

# The Nazi State

*By the same author*

FASCIST ITALY

THE PURE THEORY OF LAW

THE LAW OF PUBLIC HOUSING

THE FOUNDATIONS OF GERMAN POLITICS

# The Nazi State

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*To*  
GRAYSON KIRK

## *Preface*

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Students of comparative government are no longer satisfied with an analysis of the broad administrative outlines of a political system. They are much more interested in discovering the cultural, social, economic, and international ideas and institutions which give life and meaning to the administrative and legal framework of a system of state and society. This is especially true of the Nazi system because it represents a challenge not only to the political traditions of the Western World but also to our cultural and political heritage.

Because I believe that students are interested primarily in the historical background of specific Nazi ideas and institutions rather than in German politics of the past as such, I have in each chapter supplied the relevant historical aspects of specific problems. Those who are interested in a general analysis of German politics leading up to the establishment of the Nazi regime may find my forthcoming *Foundations of German Politics* of some help.

Similarly, I have abstained from discussing the theory and practice of Nazism separately. Instead of devoting a large separate section of the book to Nazi theory I have preferred to deal with the theoretical and ideological aspects of Nazism in each chapter. I hope that this method of presenting the integral unity of thought and action in social institutions will contribute to a better understanding of both.

In an age of war and revolution it is not easy for any contemporary to discern the long-term implications of the events that surround him. It is especially difficult to describe and analyze a dictatorial system of state and society in such circumstances. Scientific analysis of social facts is complex enough when data are easily accessible. The task is fraught with dangers and deceptions when, as in the case of Nazi Germany, important data are withheld from the public at home and abroad.

The reader will notice that my sources are almost wholly German. I have used German materials in preference to foreign ones because the former have a value of authenticity which few, if any, sources outside Germany can match. Without the help of those persons in Germany who have regularly supplied me with German newspapers, periodical publications, and various official and unofficial documents this book could hardly have been written.

W. E.

*Mexico City  
December, 1942*

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# The Nazi State



## *Chapter I*

### The Fundamentals of Nazi Politics

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#### *The Constitution of Nazi Germany: Martial Law*

The transition from the Weimar Republic to the Nazi state was a revolution of fact as well as of law. On January 30, 1933, President von Hindenburg appointed Hitler as Chancellor of the German Reich. The aspirations of the military leaders for the remilitarization of Germany were thus fulfilled. Industrial leaders like Thyssen and Krupp supported Nazism for two reasons. First, the Nazis promised to destroy the free trade-unions. Second, the Krupps and Thyssens looked forward to the big profits which they would derive from a generous rearmament program. Finally, the ambitions of millions of ordinary Germans who fanatically hated democracy had also been realized.

The appointment of Hitler by President von Hindenburg was legal, as the former was the leader of the largest single party. But even a Nazi professor of political science candidly admits *a posteriori* that it was “a violation of the inner meaning of the Weimar Constitution in so far as its outspoken enemy was put at the helm of the state.”<sup>1</sup> It was as legal as the appointment of Al Capone or John Dillinger as the headmaster of an industrial school for delinquent boys would be legal. However, it may

<sup>1</sup> Ernst R. Huber, *Verfassung* (Hamburg, 1937), p. 42.

be seriously questioned whether the appointment of Hitler was legal even according to the letter of the law. As President of the Reich, Field Marshal von Hindenburg had twice sworn the oath of office which included the pledge to uphold the German constitution. The Nazi party had, for thirteen years, openly proclaimed its intention of destroying the Weimar Republic by law if possible, or by force if necessary. Hindenburg must have known, therefore, that by appointing Hitler and installing the Nazi party in power he was violating his oath of office.

Open revolution was carried out almost immediately after Hitler's appointment as Chancellor. On February 4, 1933, presidential decrees curtailed the freedom of the press and association. Several other decrees issued in the month of February increasingly abolished the civil and political rights guaranteed by the Weimar Constitution. The climax was reached by the Presidential Decree for the Protection of People and State of February 28, 1933. On February 27, the Nazis had set fire to the building of the Reichstag in Berlin. On the following day the presidential decree "for the protection of people and state" was issued. It was signed by the President on the behest of the Chancellor in order to save Germany from alleged Communist conspiracies aimed at spreading arson and murder throughout Germany.

The government claimed that the burning of the Reichstag was merely the beginning of the Communist preparations for civil war. It also promised that it would forthwith publish additional evidence of Communist crimes. Over nine years have passed, and the evidence has not been published by the German government as yet. The charges against Communist leaders in the Reichstag fire trial in the fall of 1933 were so flimsy and obviously manufactured that a German court had the courage to acquit the accused. Among them was Ernst Torgler, leader of the Communist party in the Reichstag. The half-wit Van der Lubbe, allegedly a Dutch Communist, but certainly mentally deranged, was executed.

The emergency decree of February 28, 1933, was thus based on a propaganda lie. This decree suspended the seven basic rights guaranteed by the Weimar Constitution in Articles 114, 115, 117, 118, 123, 124, 153. They included the freedom of person, opinion, press, meeting, association, the privacy of communication through the mails, telegraph or telephone, search of the home without warrant, and the inviolability of property. The emergency decree also introduced the capital punishments for several offenses committed by enemies of the state, i.e., by opponents of the Nazis. In one stroke the Weimar Constitution was wiped out by executive action.

The legality of the decree was asserted by the President to rest on Article 48, Section 2, of the Weimar Constitution. That section provided that the President of the Reich could abrogate the constitutional guarantees protecting the fundamental liberties of German citizens if and when public security and order were disturbed to such a degree that peace could not be restored otherwise. When the emergency decree was passed on February 28, 1933, there was no public disorder except for the organized acts of terrorism committed by the Nazis. However, the emergency decree was not introduced in order to protect the victims of that violence but its authors. Furthermore, Article 48, Section 3, of the Weimar Constitution provided that the President of the Reich was obliged to inform the Reichstag immediately of such emergency steps because they amounted in effect to a declaration of martial law. The Reichstag had the authority to terminate the state of martial law at once. Actually, the German Reichstag was never given the opportunity of dealing with this emergency decree of February 28, 1933, which established a state of martial law all over Germany.

The decree is still law. No new constitution has been made since the destruction of the Weimar charter. The executive act destroying the Weimar Constitution is therefore the basic constitutional document of the Nazi regime because it deals with the

fundamental rights of the citizen and the basic powers of the government. Let us remember again that this basic act established a state of martial law in Germany. Since it has never been lifted since then, it must be presumed that in law, as well as in fact, martial law is still in force and will remain so until it is revoked. Until a new constitution is passed, the constitutional pattern established by the presidential emergency decree of February 28, 1933, is the fundamental German constitutional document. Martial law has thus been the Nazi constitutional system since 1933.

The actual situation in Germany would, of course, have been the same whether the proclamation of martial law in February of 1933 had been revoked subsequently or not. But it remains as a symbol that the German constitution under Nazism is even under law a system of violence and terror.

Will a new constitution be passed by the Nazi leaders which will formally recognize the changes from the republican pattern to the Nazi dictatorship? It is safe to predict that such a formal constitution will not be passed as long as the Nazi party, with or without the present Leader, is in control. Even the most anti-democratic constitution would mean, from the Nazi standpoint, a concession to the despised principles of liberalism and constitutional government. The irrationality of Nazi thought and the violence of Nazi action cannot be expressed in the high rationalism which is implied in the notion of constitution. To "constitute" means to set down as stable and fixed. This is precisely what runs counter to the very nature of Nazism. The Nazis prefer to maintain the factual regime of arbitrariness and uncertainty rather than derive it from any new legal charter which would bind them in any way whatsoever or limit any power in advance.

Martial law is the procedural framework of the German constitution under Nazism. Its substantive contents can be summed up in one phrase: the will of the Leader is the law of

Germany. The bill of rights of the Weimar Constitution has, of course, become invalid even where not specifically abolished.<sup>2</sup> When King William IV of Prussia refused to accept the Crown of Germany offered to him by the elected representatives of the nation in 1849 he then symbolized an important aspect of the German political tradition. In the western nations, the political conflicts of the last three hundred years have centered around the contents of constitutions. In Germany, the notion itself of constitutional government, regardless of the plenitude of executive irresponsible power, has not become as yet an established principle of political ideas and practices.

### *The Nazi Theory of Politics*

Martial law as the pattern of normal politics is merely the institutional application of the Nazi theory of politics. According to its most intelligent exponent, Professor Carl Schmitt, politics is the specific sphere of the friend-enemy relation.<sup>3</sup> The duality of friend-enemy, Schmitt says, is as characteristic of politics as good-bad of ethics, beautiful-ugly of esthetics, and the like. In short, the enemy-friend relation is irreducible in the field of politics. It cannot be derived from more basic concepts taken from other spheres of human interest or action. The political enemy, that is, does not have to be morally bad, ugly, and he need not be an economic competitor. But why is he the enemy? Here Schmitt sharply distinguishes between the adversary or opponent on the one hand, and the enemy on the other hand. An adversary or opponent is a person, group, community, or state with whom one stands on common ground even in the act of opposi-

<sup>2</sup> Fritz Poetzsch-Heftter and others, "Vom Deutschen Staatsleben (vom 30. Januar bis 31. Dezember 1933)," *Jahrbuch des öffentlichen Rechts der Gegenwart*, 22 (1935), 265.

<sup>3</sup> Carl Schmitt, "Der Begriff des Politischen," *Archiv für Sozialwissenschaft und Sozialpolitik*, 58 (1927), 1 ff. This essay on "The Concept of Politics" was later published as a book, and became after 1933 one of the most widely discussed, and accepted, contributions to political thought in Germany.

tion. Compromise is therefore possible. The enemy, on the other hand, is the stranger, the different one in the totality of his existence.

This quality of strangeness suffices to establish him as the enemy. Every individual is thus potentially an "existential" enemy to every other individual, every group to every other group, and every nation to every other nation. Whenever the quality of such strangeness and difference is transformed into actual conflict, no compromise is possible. The totality of existential enmity finds its inescapable reflection in the totality of conflict. Only the annihilation of one side can end the conflict. This theory of total war and total annihilation thus applies to all political relationships whether relating to group conflicts within the state or to conflicts among states. No rational delimitation of sides is feasible under this conception. No principle is involved in total enmity and total war. Friends and enemies may shift sides and violate pledges or sworn principles. The only consideration that counts is the preservation of one's own existence through the total annihilation of the enemy's existence. In fact, the very objective of preserving one's own total existence inevitably implies the necessity of annihilating the enemy's existence.

In this theory of politics there is obviously no room for the concept of community, national or international. The idea of the national community is replaced by the conception of a conglomeration of groups which compete for power among each other. Once in power, the dominating group acts according to the very law of politics if it seeks to preserve its own life and existence by the total destruction of the other groups. They are enemies all because of their differences as existential entities. The dominant group must be eternally vigilant. Only the physical destruction of all other groups inside the state would remove the fundamental danger deriving from potential enemies who are existentially different. Complete physical destruction of the enemy would rob the victor of the spoils of victory. Domination, therefore, rather

than destruction of the vanquished groups is practiced. But this requires again a state of permanent alertness, vigilance, and combativeness on the part of the victor.

Politics thus comprises the sphere of human relationships which are perpetually in a state of actual or potential tension. In this sense, the concept of politics is based on the concept of emergency. What has been said of internal politics is also true, according to Schmitt, of the external community. There, too, a state of perpetual emergency prevails between nations. The willingness to wage war for the existential preservation of the nation against the enemy makes up the essence of international relations. Without this willingness and preparation for war there would be no international politics. In the field of domestic relations, the Nazi concept of politics has found its institutional expression in the state of martial law or siege as a permanent system of national organization. In the field of international relations this concept of politics in terms of friend-enemy relations has found expression in the strategy of terror and fifth-columnism during times that are officially called "peaceful." When armed conflict breaks out, total war is waged. The fluctuating periods of peace and war in domestic and foreign relations are replaced in the Nazi conception of politics by the friend-enemy conception.

The Leader himself is aware of this character of Nazi politics as total war aimed at the destruction of the enemy. In a discussion in *Mein Kampf*, he makes the distinction between political parties and "views of life." Political parties, among which the Leader includes all parties other than the Nazis, are willing to compromise, to co-operate with other parties, and, as he puts it, "they try to conquer as quickly as possible a place at the food trough of existing institutions and to remain there as long as possible."<sup>4</sup> The Nazi movement, on the other hand, is

<sup>4</sup> *Mein Kampf* (Reynal and Hitchcock edn., New York, 1940), p. 677 All my citations from *Mein Kampf* are drawn from this edition, and are used by permission of Houghton Mifflin Company, proprietors of the basic copyright of all American editions.

not a party in the sense just described, the Leader says, but a "view of life," total in character and therefore total in methods and objectives: "Since a view of life is never willing to share with another one, it cannot be ready either to cooperate in an existing condition that it condemns, but it feels the obligation of fighting, by all available means, this condition and the entire hostile world of ideas; that means of preparing their collapse."<sup>5</sup>

In an editorial on "Politics and Warfare," in *Das Reich* of May 11, 1941, Dr. Goebbels, member of the German Government, states that "it is frequently not easy to distinguish, in the existential struggle of people, whether the means employed belong to the realm of politics or warfare. . . . The western democracies do not have the slightest notion of the working of National Socialist politics. They measure them with categories typical of these democracies, and then inevitably arrive at catastrophical blunders. With us, politics is as soldierly as the waging of war is political. Both pursue the same aims." Dr. Goebbels at the same time thanked providence that the enemies of National Socialism, both inside Germany and outside, failed or refused to understand this Nazi conception of politics as perpetual total war aiming at the total destruction of the enemy. This failure of understanding the nature of Nazi politics, Dr. Goebbels concluded in the quoted editorial, "is one of the most puzzling characteristics of the forces which have opposed Nazism from its evolution from a small group of men to a great world power."

This Nazi conception of politics was first expounded by Professor Schmitt and later generally accepted by political writers and publicists. It is essentially but a refinement of the traditional German political pattern in which the state is merely an appendix to the military enterprise. The refinement and revolutionary innovation lie in two features: under Nazism, the traditional German predominance of militarism in state and society has been enhanced and made deadlier than ever by its being wedded to

<sup>5</sup> *Ibid.*

modern science, both psychologically and mechanically. The transformation of Hohenzollern militarism into Nazism is as revolutionary as the transition from the horse to the Stuka dive bomber in the mechanical art of warfare, or the transition from the proclamation by the village gendarme to an illiterate populace, to the use of the radio and newspapers by a literate people. Second, the Nazi system of politics is different from the traditional pattern of German authoritarianism in so far as the twentieth century can never completely obliterate the experiences of the eighteenth and nineteenth centuries. Even semi-Asiatic Russian autocracy found early in this century that army and bureaucracy alone were no longer sufficient to maintain an antidemocratic regime.

No country that has had any experience of an even moderate amount of party activities, trade-unionism, and freedom of the press in an era of industrialization can be ruled by the impersonal methods of eighteenth-century absolutism. The principles of politics are relatively few in number. The methods, however, of meeting problems change with the times. The historical function of Nazism in the German political pattern has consisted in utilizing these modern methods of influencing masses in defense of the traditional German system of government which denies the validity of popular self-government. The adaptation of the German political tradition of autocratic government to modern technology and the lessons of mass influencing are thus the two additional features that make the Nazi political system new in the history of Germany and the world.

#### *The Position of the Leader*

The position of the Leader in the Nazi system is by no means a novelty in German constitutional thought or practice. The monarchical idea in Germany is irretrievably dead—despite the wishful hopes of some conservatives in Great Britain and the

United States. The flight of William II to Holland in 1918 has killed it beyond hope of recovery. In the first World War General Ludendorff was called "the secret Kaiser" in Germany, and he was the dictator of his people. But after 1918 Germany tasted of democracy. Although it failed as a system, some of its memories are still alive. The antidemocratic principle could thereafter be realized in Germany—as in other nations that have passed through some phase of self-government—through an ersatz democracy.

The difference between Hitler and Bismarck or Frederick the Great lies not in the volume of power of each of these men but merely in the fact that the latter two lived in a historical era in which power could be based solely on divine grace and the army and bureaucracy. In the twentieth century, some homage must be paid to the symbols of popular participation in politics. But despite all these differences deriving from different historical circumstances, the leadership principle as such is no discovery of Nazism. A leading National Socialist political scientist like Professor Koellreutter stresses the point that the "leadership principle is founded on the old tradition, expressly emphasized by Hitler in *Mein Kampf*, of military leadership."<sup>6</sup> Another theorist says: "As the Fuehrer is the highest soldier, so every German should consider himself a political soldier tied to the state in complete obedience."<sup>7</sup>

The Leader himself is well aware that he is continuing in his political ideas and practices the deeply rooted German tradition of authoritarianism, especially as it is represented by Prussianism and militarism. Unlike his friends and defenders in the United States who look upon Nazism as the wave of the future, the Leader knows better where he stands: "The principle which once made the Prussian army the most marvelous instrument

<sup>6</sup> Otto Koellreutter, *Deutsches Verwaltungsrecht* (2nd edn., Berlin, 1938), p. 6.

<sup>7</sup> Wilhelm Sauer, "Recht und Volksmoral im Fuehrerstaat," *Archiv fuer Rechts- und Sozialphilosophie*, 28 (1935), 254.

of the German people has to be some day in a transformed meaning the principle of the construction of our whole state constitution: *authority of every leader towards below and responsibility towards above.*<sup>8</sup> Frederick the Great summed up in one sentence the essence of the leadership principle: "The ruler alone shall rule."<sup>9</sup>

On January 30, 1933, the Leader of the Nazi party was appointed Chancellor of the Reich. When President von Hindenburg died in 1934, the Leader amalgamated in his person the offices of chancellor and president, but decreed that his official title should continue to be "Leader and Reich Chancellor" (*Fuehrer und Reichskanzler*). In 1939, he decreed to be addressed only as "Der Fuehrer." The title of "President" was in disfavor with him because of its republican connotations. He also did not like the idea of being styled officially as the continuer of Ebert and Hindenburg, his presidential predecessors. But he even dropped the title of Chancellor of the Reich because it expressed too much the functional character of his position. In contrast with these titles, "Der Fuehrer" expresses solely the idea of his being the leader of the German people rather than the holder of an office, even the highest.

What are the main functions of the Leader? First, integration and representation are the core of the power of the Leader (*Fuehrergewalt*). The Leader has the function of integrating the existing psychological and racial unity of the German people into a political unity. He also represents and incorporates (*verkoerpert*) it in his own person.

Nazi political theory and practice reject the democratic method of popular representation as the articulate expression of group ideas and interests. This conception of representation is replaced in Nazi politics by the representation of the people

<sup>8</sup> *Mein Kampf*, p. 670. Italics are Hitler's.

<sup>9</sup> Frederick the Great, *Das politische Testament von 1752*, in *Briefe und Schriften* (ed. R. Fester) (Leipzig, 1926), II, 144.

through which the character of the whole people rather than particular interests is represented. In democratic nations, parliament is the typical representation of interests. In Germany, the Leader alone can represent in his person the "essence" of the whole people. "Der Fuehrer speaks and acts not only for the people and in its stead, but as the people. In him the German people shapes its destiny."<sup>10</sup>

This conception of the Leader as being—not representing—the people creates in Nazi political theory an ingenious theory of the nature of the people. Nazi political scientists make the definite distinction between the "people in reality" and the "true people." The former is the people as it actually lives, thinks, and acts. The people as a community of living human beings is merely the people in reality. These actual people making up the nation are incompetent, according to the Nazi view, to decide political questions on their merit because the people in reality are too ignorant as a mass to have such knowledge, and also because "the daily struggle for a living may make it weary and degenerate."<sup>11</sup>

What, then, is the meaning of the "true people?" The true people—contrary to the use of the words—is not an actuality of living people but a mode of life. The true people are the people as they would be if they acted in accordance with their own law of life. The people in reality are by no means the true people because their ignorance and pettiness make them sin against their own law of life. The Leader is the true people because he always acts in accordance with the objective laws of life of the nation. It is also his function to educate the people so that they become a true people. The people in reality may be the true people, in so far as they act in accordance with the higher laws of

<sup>10</sup> Gottfried Neesse, *Fuehrergewalt* ("Beitraege zum oeffentlichen Recht der Gegenwart," No. 7, Tuebingen, 1940), p. 54.

<sup>11</sup> Poetzscher-Hefster, *op. cit.*, p. 51.

their own destiny. The Leader, on the other hand, always is the true people.

One illustration may suffice. According to the present German law, the government is authorized to ask the people directly whether it approves of a specific measure or law. According to Nazi constitutional doctrine the purpose of such plebiscites is not to bring about a decision or act of the Leader. For this reason the plebiscite ordinarily occurs after the Leader has made his decision. This symbolizes the confirmatory rather than the decisive character of the plebiscite. To date the *Ja* votes have been always over 90 per cent, until they reached the figure of 99.8 per cent in the latest plebiscite. Nevertheless, a Nazi professor of political science raises the question as to whether the Leader is bound by the result of the plebiscite. The answer is "no." "Even if the voting people turns against the Leader it is he who represents the objective mission of the people. He therefore has to take no account of the opinions and trends manifesting themselves in the plebiscite. In case the people does not agree to an intended measure, it may still be carried out. In case of a measure already carried out the opposition of the voting people will not reverse it."<sup>12</sup>

The Nazi publicists and active politicians are unanimously agreed that the German people in its character as a community of actually living people is incapable of ruling itself and of being politically free. Freedom is rule by laws made by the citizens themselves or their elected representatives. One man alone is the true German people, Adolf Hitler. He alone, therefore, has the moral right to rule according to this doctrine. Yet few, if any, Nazi writers on politics have ever noticed this contradiction. On the one hand, the German people is the master race destined and capable of ruling the whole world. On the other hand, this race of supermen is unable, according to its own spokesmen, to rule itself. Sense of humor has always been conspicuously absent in

<sup>12</sup> Huber, *Verfassung*, *op. cit.*, p. 97.

German public life. Another interpretation might, of course, be the following: the Germans are told that they are incompetent to rule themselves; at the same time, the Nazis promise them the overlordship over the other nations. If the Germans, then, cannot have self-rule because they are not good enough for it, they will have at least an ersatz rule: the mastery over the other peoples.

The second main function of the Leader is the personal direction of the three main bodies of power and authority in Germany: the Nazi movement, the armed forces, and the state bureaucracy.<sup>13</sup> The Fuehrer was the leader of the Nazi party before he was appointed Chancellor of the Reich. By establishing, in 1939, his official title as *Der Fuehrer*, Hitler expresses the degree to which he considers his original leadership of the Nazi party as the decisive element of his power and authority. The Nazi party has acquired new functions since the seizure of power in 1933. Its authority has been strengthened immensely. As before, Hitler is the sole leader of the party. As such, he has the function of maintaining his control of the party undisputed and of keeping in office the party machine which is loyal to him. As the party supplies the main source of candidates for leading political positions, the Leader's control of the party is vital to the operation of the Nazi system. The party has also the function of watching the ideological purity of the views and philosophies expressed in public or in private. Thus it is the Leader's task to guard within the party the ideological purity of the Nazi philosophy. Finally, the interrelations between party and state are so manifold that problems of co-ordination and integration continually demand the attention of the Leader. As he is Leader of state and party, he is in a supreme position to bring about adjustments in personnel, organization, and management arising out of the contacts between party and state.

<sup>13</sup> See Ernst R. Huber, "Reichsgewalt und Reichsfuehrung im Kriege," *Zeitschrift fuer die gesamte Staatswissenschaft*, 101 (1941), 544 ff.

The command of the armed forces was in the hands of the President of Reich. When Hitler amalgamated this office with his own at the death of Hindenburg, the command automatically went into his hands. On February 4, 1938, the Leader assumed the immediate direction of the armed forces of Germany in a swift and dramatic purge of those elements in the superior ranks who were not considered quite reliable from the Nazi point of view. When the German army suffered reverses in Russia in December, 1941, Hitler went a step further in the personal direction of Germany's armed forces. On December 21, 1941, he dismissed Field Marshal von Brauchitsch, Commander in Chief of the Army, and assumed command personally. He thus unites in his hands the authority over the entire armed forces with the High Command of the Army.

The state bureaucracy is pledged to the Leader as its supreme leader. Every civil servant in Germany swears a personal oath of fidelity to the Leader. The Leader also has the right to appoint and dismiss civil servants in accordance with his views as to their fitness for positions. In practice, the leadership principle will, of course, work out in a system of graded authorities and responsibilities because the Leader cannot personally appoint and dismiss hundreds of thousands of civil servants. But they are all pledged to obey him personally, and the legal power of the Leader as to hiring and dismissing civil employees may always be used.

On April 26, 1942, in his address before the Reichstag the Leader asked "for an explicit endorsement of my legal right to demand of every one the discharge of his duties or to cashier any one from his post or office if I consider that he has failed in his duty, regardless of who he may be or what acquired right he may have." This also included the renewed threat that "judges who do not recognize the commands of the hours will be removed from office." Although the Leader had the legal right and actual power to dismiss civil servants or judges at his pleasure, he

desired to have his authority confirmed on April 26, 1942. The Reichstag displayed little opposition to his request. All members got up, shouted "Heil Hitler," and a new law was passed.

The third main function of the Leader is the protection of the interests of the Reich internally and externally. In a country like Germany, placed as it is in the heart of Europe, foreign relations are bound to occupy an important area of public authority under any circumstances and under any political regime. Every German is born an interventionist, regardless of his political creed and the time in which he is born. The dilemma never presents itself to the German in the form of isolationism versus interventionism, but in the formula of peaceful collaboration with surrounding nations or conquest by war. In either case, foreign relations are of supreme importance. As an industrial nation dependent on foreign trade, Germany cannot, even if she chose to do so, withdraw into isolation. Authoritarian states have often, in history, sought to compensate for the enslavement at home with glories abroad. As a consequence, German political thought has consistently maintained the "supremacy of foreign affairs"<sup>14</sup> over internal affairs.

The Leader is in complete charge of the diplomatic relations of Germany with foreign nations. He personally appoints and dismisses German representatives abroad, and he himself initiates agreements, pacts, and alliances with foreign nations. Even the great decisions in this field of public affairs are solely in the jurisdiction of the Leader. Such decisive acts include the rupture of diplomatic relations, interventions and reprisals against foreign nations, the decision on war or peace, the acceptance of military surrender by foreign armies in wartime, the conclusion of an armistice, the making of peace—all these are "solely in the jurisdiction of the Fuehrer."<sup>15</sup>

<sup>14</sup> Leopold von Ranke, *Politisches Gespraech* (1836), in *Geschichte und Politik* (Leipzig, 1937), p. 97.

<sup>15</sup> Ernst R. Huber, "Reichsgewalt und Reichsfuehrung im Kriege," *op. cit.*, p. 547.

When the German Reich invaded Poland shortly after midnight in the early morning hours of September 1, 1939, and thus opened up the second World War, "the hostilities were started by a purely personal decision (*hoechstpersoenliche Entscheidung*) of the Fuehrer. The Reichstag was informed of the decision taken and consented to it by acclamation."<sup>16</sup> Likewise, the invasions of Denmark, Norway, Holland, Belgium, Yugoslavia, Greece, and Russia were all decided personally by the Leader, and the German people were informed of these invasions after they had been in progress. The terms of the surrender of the Dutch and Belgian armies in 1940, as well as the armistice with France in the same year, were determined by the Leader personally.

Internally the Leader is in supreme command of the administration of Germany. The building up of the Nazi state has been advanced through both positive and negative methods. The first includes all those administrative techniques and methods which tend to promote positively the structure of National Socialism in German politics. The administration of labor, industry, education, propaganda, and information contributes directly to the promotion of Nazism and its hold upon the German people. Negatively, the Nazi state seeks to destroy all tendencies and activities which do not seem to fit into the totalitarian pattern of its regime. The whole set of both negative and positive administrative techniques and organizations is subject to the supreme jurisdiction of the Leader, who must ultimately decide the scope and method of such activities. These negative techniques, e.g., include the important activities of the secret political police (Gestapo), and the Leader himself does decide to what extent lawless terror and violence shall be used in each major situation.

The fourth function of the Leader is the supreme control of making and finding the law: the Leader is the supreme legislator and the supreme judge. On March 24, 1933, the German

<sup>16</sup> *Ibid.*

Reichstag authorized the government to assume the legislative function in lieu of the Reichstag. Although legally the government as a corporate body was thus authorized to legislate, in effect it meant the Leader. Four weeks later the principle had been established that no votes were taken in the deliberations of the cabinet. The Leader decided. Until the death of Hindenburg in 1934, the cabinet was convened regularly once a week. Afterwards, such common meetings of the cabinet became rare. The Fuehrer has since that time dealt directly with the individual ministers or their representatives.<sup>17</sup>

As the legislative function of the Reichstag has been practically abolished and the plebiscites serve only propaganda purposes, the lawmaking power of the Leader is eminently significant. He may, of course, and does, delegate legislative functions to subordinate heads of the national administration. It should also be noted that the legislative emanations of the Leader are manifold. He not only makes laws, but also passes edicts, regulations, decrees, and commands. In addition, his regulations and edicts concerning the internal relations of the Nazi party or its relations to private individuals or state agencies are law. Finally, all pronouncements of the Leader, such as statements by him in *Mein Kampf* or in public addresses, are legal sources which are to be applied as valid law if and when the occasion arises.

The Leader is also the supreme judge of the German people. First, every judge swears, like all public servants, a personal oath to the Leader. Second, judges, again like other civil servants, are subject to dismissal if they violate their oath of fidelity to the Leader. After the blood purge of the Nazi party on June 30, 1934, in which, on the Leader's orders, hundreds of prominent Nazis were murdered by the Gestapo without trial, he asked for *post factum* authorization from the Reichstag. In his address to the Reichstag (July 13, 1934) he said, referring to the bloody purge: "In that hour I was responsible for the destiny of the

<sup>17</sup> Neesse, *op. cit.*, p. 56.

German Nation and thus the supreme judge (*oberster Gerichtsherr*) of the German people.”<sup>18</sup> In his address of April 26, 1942, the Leader asked again specifically for the confirmation of his authority to dismiss judges who pass mild sentences.

The question of the successor to the Leader has been discussed to some extent in Nazi political writings. Generally, the opinion was held that the position of Adolf Hitler as Leader was unique, and that his leadership did not represent an institution that could be rationally perpetuated and handed on to new persons. “Where genuine leadership begins, reason has come to an end. The phenomenon of the Leader is shrouded in mystery that surrounds everything living.”<sup>19</sup> The Leader himself never discussed the question. Thus there was no authoritative opinion on the matter. The situation changed with the decision of the Leader to invade Poland and start the second World War. In his address to the Reichstag on September 1, 1939, he declared as follows: “Should anything happen to me in this struggle, then my first successor is Party Comrade Goering. Should anything happen to Party Comrade Goering, his successor is Party Comrade Hess. You would then be bound to them in the same blind loyalty and obedience as to me. Should anything happen to Party Comrade Hess, a Senate to be instituted by me will choose from its midst the most worthy—that is to say, the bravest—successor.”

Hess preferred apparently to spend the remainder of the war in Britain when he flew to its hospitable shores in May, 1941. He must know the reasons why he prefers the status of a prisoner of war in England to that of the No. 2 successor to the Leader. As long as Goering does not join his successor and remains in Germany, his is the only name available for suc-

<sup>18</sup> Arnold Koettgen, “Vom Deutschen Staatsleben (vom 1. Januar 1934 bis zum 30. September 1937),” *Jahrbuch des öffentlichen Rechts der Gegenwart*, vol. 24 (1937), p. 69.

<sup>19</sup> *Ibid.*, p. 64.

sion. Should he, too, prefer the British Isles to his native land, the Leader will have to make up a new list of men who can be counted upon to prefer *Deutschland, Deutschland über alles* to the amenities of life in England.

## *Chapter II*

### The Structure of the National Government

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According to law and fact, the Leader of the German Reich and people is in complete control of the very lives of all Germans. But even a dictator cannot govern seventy-five million people all by himself. Even if the present German Leader were known as a hard-working administrator, which he is not, he could not possibly exercise his powers singlehanded. What are the main outlines of the national administration of the Reich?

First, the Leader is aided in his capacity as the supreme legislator and executive of the Reich by three Chancelleries attached to him personally. They are the Chancellery of the Reich (*Reichskanzlei*), the Chancellery of the President (*Præsidialkanzlei*), and the Chancellery of the Leader of the National Socialist party (*Kanzlei des Fuehrers der NSDAP*).

The Chancellery of the Reich is the most important of the three. The head of the Chancellery of the Reich supplies the Leader with the significant and relevant data required for making decisions. He keeps the Leader informed of all happenings with which the Leader feels he ought to be familiar. He is thus a general source of information and advice to the Leader. Since the Leader has dropped the custom of calling general cabinet meetings (from August, 1934) the position of the head of the Chancellery of the Reich has risen in importance. He submits now to

the Leader the legislative proposals planned by the various individual ministries or other high government departments except in matters that are handled by the Supreme Command of the armed forces. He has thus increasingly assumed the function of adjusting differences between the various ministries and high government departments even before the proposed measures become law. He also decides whether suggested legislative acts shall be dealt with in cabinet meeting or by the Leader personally according to the significance of the issue involved. As the number of the cabinet has consistently increased in size and the general cabinet meetings have become less and less frequent, the position of the head of the Chancellery of the Reich has risen to one of the top positions of the administrative hierarchy. He is now described as the minister for legislation (*Gesetzgebungsminister*), since he is so predominantly concerned with the creation of new law deriving from all ministries.

Before 1933 the Chancellery of the Reich was purely technical in nature. Now it occupies one of the pivotal positions in the whole governmental structure. The evolution of a technical bureau into a fulcrum of great political authority is symbolic of the growth of irresponsible power under the leadership principle. The head of the Chancellery of the Reich also occupies a high position in the war administration of Germany because he is a member of the Cabinet Council for National Defense established by the Leader on August 30, 1939.

The second Chancellery is the Chancellery of the President. The Leader retained it when he assumed the office and authority of the President after the death of Hindenburg. It deals with the functions of the Leader as the head of the Reich in diplomatic affairs and ceremonies in relation to foreign states. The head of the Chancellery of the President also participates in the appointment and dismissal of high government officials at home and abroad. Finally, he also submits to the Leader matters of judicial character, such as pardon and amnesty. Although the head of the

Chancellery of the Reich is a member of the cabinet, the head of the Chancellery of the President has ministerial rank without belonging to the cabinet.

The third Chancellery is the Chancellery of the Leader of the National Socialist party. As head of the Nazi party, the Leader continues to deal with the major problems of personnel, ideology, and administration affecting the party. As we shall see later, the boundary line between state and party is not easy to draw, but the relation is intimate. It is thus understandable that the Chancellery of the Leader of the Nazi party should occupy a definite place in the supreme hierarchy of the national government and administration. Since the outbreak of war in 1939, this Chancellery has also been charged by the Cabinet Council for National Defense with serving as a channel of information and opinion with regard to the operation of wartime measures, especially in the economic field.

### *The Cabinet*

The Reich cabinet (*Reichregierung*) includes the heads of the major government departments. A special position in the cabinet is occupied by three members: the Deputy of the Leader, the Chief of the High Command of the Armed Forces, and the Delegate in Charge of the Four Year Plan.

The Deputy of the Leader (*Stellvertreter des Fuehrers*) is a position which no longer exists in name since Rudolf Hess flew to Britain in May, 1941. The Leader apparently was so disappointed that his most trusted and loyal lieutenant preferred a sojourn in Britain to uninterrupted service in the fatherland that he did not appoint anyone as successor to the title of Deputy of the Leader. However, the office of the Deputy of the Leader (*Dienststelle des Stellvertreters des Fuehrers*) continues to be headed by its previous chief, Martin Borman. The name of the office has been changed (since May 13, 1941) to Party Chan-

cellery. Its chief is now directly responsible to the Leader since no new Deputy of the Leader has been appointed or is likely to be appointed. While technically, therefore, the office of the Deputy of the Leader is abolished for the time being, its functions continue to be performed by the head of the Party Chancellery under the direct supervision of the Leader.

The task of the Deputy of the Leader (and that of his actual, if not official, successor) is primarily to watch the unity of state and party in all matters of legislation and administration. He is the watchdog of the party whose task it is to see that the government of Germany is being carried on in a Nazi spirit and by reliable Nazi officials. He is a member of the cabinet, of course, and has the right to intervene in all proposed legislation. In this, his function resembles that of the head of the Chancellery of the Reich except that the authority of the latter is administrative and consultative in character, whereas the authority and objectives of the Deputy of the Leader are political and ideological in character. The Nazis understand that government is made up not only of laws and regulations, but also of men who make and administer them. The Deputy of the Leader has the important task of seeing that the appointment of higher officials in national and local government is always made in accordance with the political requirements of the party. It should be understood that the Deputy of the Leader is not head of a government department, but of one which is essentially a party agency. It may be presumed that the Leader will again officially appoint another party hierarch with the title of Deputy of the Leader once it is definitely established whether Rudolf Hess plans to establish his permanent domicile in the British Isles or return to Germany. Since his native country is Egypt, he might also wish to return to the land of his birth should new conditions arise.

The Chief of the High Command of the Armed Forces has a special position within the Reich cabinet. Germany no longer has the system of dual administration of the armed forces and of

military affairs generally. In the first World War, the war ministry was headed by high ranking generals. As a nominally civilian authority it was a concession of imperial Germany to the pattern of constitutional government within which military affairs, like all the other public matters, have to be administered by the civilian executive. Under the Nazi regime the administrative reality of the traditional German pattern has become legal and political reality. Even the pretense of civilian control of the armed forces has been dropped. The High Command of the Armed Forces (*Oberkommando der Wehrmacht*) is now the sole administrative authority of the armed forces. Its main function is to advise the Leader in his capacity as supreme commander of all armed forces. Its next major task is to achieve the integration of the three branches of the armed forces: the army, navy, and air force. In Britain and the United States there is no corresponding high command of all branches of the service. The High Command also advises the Leader in general matters of war preparation and military efficiency, even where they belong to the bureaucratic jurisdiction of other ministries. The Chief of the High Command of the Armed Forces (*Chef des Oberkommandos der Wehrmacht*) frequently is in the field rather than in the capital, especially when decisive campaigns are fought. His great position is also recognized by his membership in the select Cabinet Council for National Defense.

The Delegate in Charge of the Four Year Plan is the third major figure in the Reich cabinet. On October 18, 1936, the Leader appointed Hermann Goering, his designated successor, as Delegate in Charge of the Four Year Plan (*Der Beauftragte fuer den Vierjahresplan*). Its main purpose was to make Germany ready for the prepared war by rendering her independent of imported raw materials from abroad through the manufacture of ersatz materials in Germany. This, of course, meant the complete reorientation of the German economy in order to organize it on a permanent footing of preparation for war. In October, 1940,

the Leader prolonged the office of the Four Year Plan for another four years, and Goering continues to head it. The Delegate is authorized to give orders to all government departments within his jurisdiction, including the ministries of the Reich. He also wields authority over all party organization within the scope of his duties.

Apart from the Leader, he holds the only office in the administrative hierarchy which enables him to give orders to government, military, and party authorities. Since January, 1940, the Delegate has also been entrusted with the supreme task of adapting the whole German economy to the war requirements. He is not head of a ministry, but discharges his function through co-ordination of existing ministries and high government departments dealing with economic affairs. He has special bureaus working on the main aspects of the war economy in time of so-called peace or of actual war, but the staffs are relatively small. They are taken essentially from the ministries and government departments whose officials have become familiar with the problems facing the office of the Delegate in Charge of the Four Year Plan. It is obvious that this is, next to the Leader's the most important position in the government of the Reich. The Leader's designation of Goering as his successor in 1939 officially recognizes this importance. The character of the new regime is expressed in the fact that the No. 2 man of the governmental hierarchy is the man who is in charge of aviation and military preparedness in the broadest sense.

The next group of high offices within the Reich cabinet are the fifteen ministries. They are as follows: Foreign Affairs, Interior, Propaganda, Aviation, Treasury, Justice, Economic Affairs, Nutrition and Agriculture, Labor, Science and Education, Church Affairs, Communications, Post and Telegraphs, Forestry, Arms and Munitions. Of these, the ministries for propaganda, aviation, church affairs, science and education, and arms and munitions were created by the Nazi regime. All heads of these ministries

have cabinet rank. In addition, the cabinet also includes the head of the Chancellery of the Reich, the Deputy of the Leader, the Chief of the High Command of the Armed Forces, the Delegate in Charge of the Four Year Plan, and high administrators who enjoy the confidence of the Leader. Thus the Governor of the Polish Government General, Frank, the Commissar of the Reich in occupied Holland, Seyss-Inquart, are members of the cabinet. All in all, the cabinet of the Reich numbers twenty-four members, including the Leader himself.

When the Leader was appointed Chancellor in 1933, only two Nazis, Frick and Goering, followed him into the cabinet. The purification proceeded, however, at a rapid rate. In 1937, the Leader conferred the "golden party badge of honor" upon all members of the cabinet not originally members of the Nazi party. He thus accepted officially their complete conversion to the new regime. Since that time, all members of the cabinet have been party members. As members of the party, cabinet members are subject to complete loyalty and obedience to the Leader. No votes are taken any more, and have not been taken, in fact, since April, 1933. Meetings of the whole cabinet have become less and less frequent as the function of the heads of the ministries have become greatly reduced.

Although a cabinet decision in a democratic nation is in some genuine way a compromise between the existing views represented by the various members, the decisions of the German cabinet are always the decisions made, or sanctioned, by the Leader. As a consequence, the direct relationship between the individual minister and the Leader has replaced the joint cabinet meeting. The minister has thus ceased to be a policy-making figure and has increasingly become an executive figure carrying out policies. A leading German student of public law justly remarks that the "minister today no longer is essentially different from the civil servant as his predecessor was in parliamentary times."<sup>1</sup>

<sup>1</sup> Koettgen, *op. cit.*, p. 73.

The bureaucratic character of ministerial offices has also led to the great stability of ministerial positions. Several ministries are still headed by the same men as in 1933 when National Socialism came into office, and the general turnover has been very small indeed. Since many of the potential competitors for ministerial positions have been killed or sent to concentration camps or into exile, the number of ministrables has become a fairly steady one.

### *National Administrative Agencies*

In addition to the holders of great co-ordination offices, such as the Delegate in Charge of the Four Year Plan, the Chief of the High Command of the Armed Forces, and the regular heads of the various ministries, the government of Germany includes a number of other important national administrative authorities, the heads of which are directly responsible to the Leader. First come the so-called *Oberste Reichsbehoerden* (Supreme Government Agencies). The Inspector of Roads and Highways, the Office of Land Planning, the Youth Leader, the Bureau of the Budget are examples of such high government departments which are under the immediate jurisdiction of the Leader. The heads of these agencies do not, however, occupy cabinet rank. It will be noticed that most of these government departments have been established after 1933.

The next group of high government departments in the national administration directly responsible to the Leader are the so-called *Zentralstellen der Reichsverwaltung* (National Administrative Agencies). They are slightly inferior in rank to the Supreme Government Agencies (*Oberste Reichsbehoerden*) and are charged with specific tasks of a less vital nature. A typical example of such a *Zentralstelle* is the office of the *Reichskommissar fuer die Festigung deutschen Volkstums* (Reich Commissar for the Strengthening of Germandom) established by the

Leader's decree on October 7, 1939. His task is to resettle those Germans in the newly conquered areas of Poland who were transferred to Germany from Southeastern Europe and the Baltic states in 1939 and 1940. Within his assigned task he has the power to give orders to all authorities in those eastern regions. He also has authority over the non-German populations in connection with the settling of Germans on the land robbed from the Poles. The nature of the job with which this new *Zentralstelle* is charged may be assessed from the fact that it is headed by the Reich Leader of the SS (Elite Guards), who also happens to be simultaneously the head of the German police as well as head of the Secret Political Police: Heinrich Himmler.

Another new *Zentralstelle* is the Reich Commissar for Public Housing, whose office was instituted by edict of the Leader on November 15, 1940. Between 1933 and 1939 because it was kept busy by other matters, the German government was unable to deal with the housing situation of the masses living on low incomes. Barracks rather than houses were the watchword. But in November, 1940, the Leader established a separate agency for the planning of public housing after the war. This promise was of great propagandistic value, and did not cost anything.

Similarly, the Leader created in 1937 the office of the Inspector General of Buildings for the Reich Capital (*Generalbauinspektor fuer die Reichshauptstadt*). It is charged with the building and planning of a new Berlin, worthy of a master race ruling the world. As it is well known that the Leader is a great artist, the office is placed directly under him. By virtue of the Leader's decree of October 18, 1940, the Inspector General of Buildings for the Reich Capital was also charged with the supervision of planning and building in other German cities to be designated by the Leader. Two cities have so far received the special attention of the Leader. Nuremberg, "capital of the movement" where all party congresses have been held, has its own General Building Council charged with the transformation of

Nuremberg into a city worthy of being the capital of the party. Huge stadia, amphitheaters, and other architectural structures to accommodate hundreds of thousands of people in big processions, meetings, and the like, were begun even before the war. Similarly, the Leader decreed a special planning agency for Linz, capital of Upper Austria, province of Austria. The Leader was born in Upper Austria, only a few miles away from Linz. Perhaps this happy coincidence is responsible for Linz's share in the program for the beautifying of Greater Germany. Until now the city has been famous only for its delicious *Linzer Torte*, product of a great baking tradition.

A final example of a *Zentralstelle* is the German Reich Bank (*Deutsche Reichsbank*). The Reichsbank used to be as independent as the Bank of England or the Federal Reserve Board in the United States. After the establishment of the Nazi regime in 1933, however, the Reichsbank was progressively put under government control and manipulation. On June 15, 1939, it was placed under the immediate control of the Leader.

The final group of high governmental offices directly under the jurisdiction of the Leader is made up of the several "Representatives of Reich Sovereignty" (*Repräsentanten der Reichs-hoheit*). They are the rulers of territories incorporated into or occupied by Germany. The Protectorate of Bohemia-Moravia is the remainder of the former Republic of Czechoslovakia less the Sudetenland, annexed by Germany in 1938, Ruthenia and portions of Slovakia, annexed by Hungary in 1938 and 1939, and the remnants of Slovakia, established as a German vassal state in 1939. The Protectorate has been ruled by a German Reich Protector in Prague since its occupation in March, 1939. The significance of the position may be seen from the fact that a member of the German cabinet, von Neurath, was appointed by the Leader for that post. In September, 1941, von Neurath retired. He was replaced by that symbol of peace and collaboration in the New Order—Reinhardt Heydrich, "the Hangman." Heydrich

also happened to be deputy leader of the Gestapo, a fact which was evidence of his fitness for a high administrative position in the Greater Reich. "The Hangman" was the victim of a plot on May 27, 1942, near Prague, and he died six days later. His successor is another high ranking officer of the Gestapo, Kurt Daluege.

After Poland was defeated by Germany in October, 1939, about two thirds of its territory and population were annexed by Germany, the remainder being occupied by the Soviet Union. The former areas of the Polish Republic known as Western Prussia and Poznań as well as Polish Upper Silesia and a portion of Central Poland were incorporated outright into Germany. The area is about 55,000 square miles and its population almost 7,000,000. This formerly Polish land and population forms now a part of the Reich and is administered by Nazi officials as are the other portions of Germany proper. The fate of the Polish population in this incorporated area will be discussed later.

East of the line of demarcation delimiting the incorporated areas, Germany established the Government General with the capital in Cracow. The area is about 57,000 square miles, and the population 11,500,000 people. The Government General does not form part of the Reich. It is ruled by a German Governor General, a German administrative staff, and the German army. The importance of this position in the administrative hierarchy of the Reich can be seen again from the fact that a member of the Reich cabinet, Hans Frank, was appointed Governor General in this territory. Both the Protector of Bohemia-Moravia and the ruler of the Government General have the supreme authority in their territories and are immediately responsible to the Leader.

Similarly, the governors of the other occupied countries in Europe, such as Belgium, Holland, and Norway, are immediately responsible to the Leader. In theory, at least, it is recognized that the German administration of these conquered nations is based both on German law as well as on the principles of mili-

tary occupation of enemy territory (*occupatio bellica*). It will be seen later to what extent that claim is valid. But in regard to Bohemia-Moravia and the Government General it is frankly stated that they are governed solely by German law and administration.

An analysis of the highest government departments in the Reich thus shows that forty-two administrative branches of the national government are directly under the jurisdiction of the Leader. Even the leadership principle cannot in itself cope with this multitude of high national government departments. Inevitably the tendency has been to evolve a supercabinet of a few men charged with the administration of whole areas of public action that cut across the existing ministerial border lines. As has been pointed out before, the Deputy of the Leader, the Chief of the High Command of the Armed Forces, and the Delegate in Charge of the Four Year Plan represent this tendency to concentrate administrative responsibility in terms of co-ordination and over-all planning.

The war has accelerated this tendency. On August 30, 1939, the Leader made up his mind that Poland must be taught a lesson. He also assumed that war on a larger scale would be inevitable. Therefore he instituted the Cabinet Council for National Defense for the duration of the war. Marshal Goering was appointed chairman of the Council; the other members were Hess, the Deputy of the Leader; Frick, Minister of the Interior; Funk, Minister of Economic Affairs; Keitel, Chief of the High Command of the Armed Forces; and Lammers, head of the Chancellery of the Reich. The great areas of public action in the Nazi state are thus represented in the Council: state administration, the Nazi party, the armed forces, and economic affairs. Goering as Delegate in Charge of the Four Year Plan was entrusted in 1940 with the direction of the whole German war economy. In such a position he can give orders to all ministries and government departments except the armed forces. Funk was

appointed Delegate General in Charge of Economic Affairs (*Generalbevollmaechtiger fuer die Wirtschaft*). As such he is responsible for the direction of these economic agencies which are not, like the Reichsbank or price administration, related to the war economy supervised by Goering. Frick was appointed Delegate General for National Administration (*Generalbevollmaechtiger fuer die Reichsverwaltung*). He supervises the Ministries of the Interior, Justice, Science and Education, Church Affairs, and the National Bureau of Land Planning. Thus it can be seen that all branches of governmental activity, with two notable exceptions, have been placed under the jurisdiction of the Cabinet Council for National Defense. These two exceptions are foreign relations and diplomacy, and military strategy. They are reserved for the personal attention of the Leader.

The three most important figures in the Council are the Delegate in Charge of the Four Year Plan, the Delegate General for National Administration, and the Chief of the High Command of the Armed Forces. They form, in a sense, the inner cabinet of the inner cabinet. They have the authority to issue all necessary decrees and regulations overriding all other ministries and agencies in the administration of war government and war economy. Since the Leader spends a good deal of his time in headquarters conducting major operations, this inner cabinet of the inner cabinet has, in effect, taken over the wartime administration of Germany. It remains to be seen whether the co-ordination of related ministries under one responsible head and the resulting creation of a supercabinet devoted primarily to co-ordination and planning rather than to departmental administration will remain after the war. The experiment is, in any case, interesting. It demonstrates that even in dictatorships the problem of co-ordination and integration of the top layers of the administrative organization has become acute in view of the multiplicity of such high governmental organizations. The leadership principle alone cannot grapple with these problems of

long-term planning and co-ordination implied in the nature of the modern state. In addition to its old functions of judging, legislating, and administering, the modern state has assumed the functions of planning, research, and service.

The organization of the Cabinet Council for National Defense also reaches down into subnational areas of government and administration. In the first World War all civil powers were transferred to the military authorities for the duration. In this war the supreme authority of the Cabinet Council for National Defense is not confined to the national level of government. The Council reaches down into the regional and local levels of government through the institution of National Defense Commissars (*Reichsverteidigungskommissar*). The Reich is divided in eighteen districts, and the new regional administration follows this pattern. The Cabinet Council for National Defense is represented by the National Defense Commissars who are immediately responsible to it. The Commissars have their central administrative organizations in the localities in which the military district headquarters are located. The Commissars are not recruited anew, but are taken from the district leaders (*Gauleiter*) of the Nazi party who ordinarily also hold the office of provincial governor. Thus the position of the party is strongly maintained in this new administrative setup, and at the same time the army and the state are synchronized in this new organization. If the Cabinet Council for National Defense can be considered as an intermediary between the hitherto highest government authorities, the ministries, and the All-Highest, the Leader, the National Defense Commissars can be considered as a new intermediary level between the provincial governors and the national government.

Otherwise the wartime administration of Germany essentially retains the ordinary pattern. A system of government which is a perpetualized state of martial law does not know the distinction between wartime administration and peacetime adminis-

tration, just as the very difference between war and peace is alien to it in the regulation of its domestic or foreign affairs. Although the administrative procedures undergo fundamental changes in time of war in states adhering to the democratic system of government, no such change occurs in the Nazi regime. All that happens is a "purely technical elaboration of the existing system of government and administration, not the replacement of the normal peace-time governmental administration by a contrary system of an emergency character."<sup>2</sup> Precisely: since the Nazi system of government and administration is an emergency system in time of so-called peace, no significant adjustments have to be made in time of war.

### *The Reichstag*

Only one day following his appointment as Chancellor, the Leader induced President von Hindenburg to dissolve the Reichstag elected on November 6, 1932. In that election the Nazis had gained only 196 out of 584 members. Elections were announced for March 5, 1933. An emergency decree of February 4, 1933, which lacked constitutional validity, established the governmental control of political meetings and the confiscation of political literature which seemed to the government "subversive," i.e., opposed to Nazism. In addition to this illegally established curtailment of free electioneering propaganda of the opposition parties, the Nazi storm troopers and secret police destroyed what was left of political liberty. In the elections of March 5, 1933, the Nazis scored 288 seats out of total of 647, i.e., 44 per cent of the total. The Nazis could not have formed a majority government if the Nationalists, led by Hugenberg, had not joined them. It was remarkable indeed that in spite of all methods of terror and intimidation the Communists obtained 81 seats, only 19 less than in the preceding election. Both the socialists with 120 seats

<sup>2</sup> Huber, "Reichsgewalt und Reichsführung im Kriege," *op. cit.*, p. 566.

and the Catholic parties with 90 seats maintained their voting strength. This meant that the new government could not muster the two-thirds majority in the Reichstag required for changes in the constitution.

The first step toward outright dictatorship was taken on February 28, 1933, when the Communist party was outlawed in violation of the constitution. Simultaneously, Communist members of the Reichstag (including their leader Ernst Thaelmann) were imprisoned, unless they had managed to go into hiding or flee abroad. Thaelmann is still in prison, after almost ten years. No trial, of course, has ever been held for him. Several of the candidates on the Communist and socialist tickets were already in jail as "enemies of the state" when they were elected as members of the new Reichstag on March 5, 1933. The Nazis, impressed by the relative success of their opponents, decreed that the Communist vote was invalid. But even then their seats, combined with those of their Nationalist allies, did not command two thirds of the total number of deputies required for constitutional changes.

On March 21, 1933, the new Reichstag met for its first meeting in Potsdam. This was symbolic of the shift from the republican Weimar with its humanistic memories of Goethe and Schiller to the spirit of Potsdam which recalled the memories of Frederick the Great and Prussian militarism. The government asked frankly for the practical abolition of parliamentary institutions by requesting for itself the authority to legislate. This power was granted by 441 against 94 votes. Of the socialists only those who were still at large could participate in the meeting, but all those present voted against the dictatorship bill. It had been hoped that the Catholic Center party would vote against the bill and thus prevent the semblance of legal transfer of power from the Reichstag to the government. But the Center party voted for the dictatorship bill.

Under the Enabling Act of March 24, 1933, the Reich Gov-

ernment was authorized to legislate in lieu of the Reichstag. Its new legislative authority even included the power to change the constitution. The act, which thus made an end to representative institutions in Germany, was to last only for four years. On January 30, 1937, the validity of the Enabling Act was extended for another four years. But no one assumed at any time since the first passage of the Enabling Act that anything but the physical destruction of the Nazi regime could restore representative institutions to the German people.

It is more than doubtful whether the Enabling Act was constitutional in the first place. The entire Communist representation and numerous socialist members of the Reichstag were illegally prevented from attending the meeting of the Reichstag which granted the enabling powers to the government. The Reichstag was therefore legally incapable of passing any laws which were constitutionally valid. It was no longer the Reichstag that convened but merely a group of those men whom the Nazi storm troopers and the secret political police allowed to attend a meeting called by the Nazi government. It does not make much practical difference whether the Enabling Act was passed in due constitutional procedure or not. However, since Nazi propaganda stresses the point that the party came to power by strictly legal means, it is fair to emphasize that this is incorrect.

After the suppression of the Communist party all other parties were eliminated either by police edict or through voluntary disbandment. A number of members from the Catholic parties and the conservatives and Nationalists were most anxious to join the Nazi party as "guests" with the prospect of becoming regular members after good behavior. Since that time, all members of the Reichstag belong as members or, in a few exceptional cases, as guests, to the only Reichstag party, the Nazi party.

How is the Reichstag elected? All Germans of twenty years or over have the right, and—in practice—the duty to vote. How-

ever, as a shrewd Nazi political scientist reminds us, "it is not decisive for the character of an elected representative body who possesses the suffrage but, to a much higher degree, who determines the candidates put up before the electorate."<sup>3</sup> The list of candidates is compiled by the national office of the Nazi party. Women cannot be elected but they have the right to vote. The voters may only say "yes" or "no" in the election of the whole list. The first all-Nazi Reichstag was elected on November 12, 1933. Ninety-two per cent of the votes were officially declared to be in favor of the official ticket. Eight per cent of the votes were officially classified as "invalid," probably because the votes were either "no" or failed to be the regular "yes" votes. However, such alarmingly small majorities of only 92 per cent could not be tolerated. In the election of March 29, 1936, 99 per cent of the voters participated, of whom 99.8 per cent voted in favor of the official Nazi ticket. This could appear as a fairly sizable majority.

Since the first purely Nazi Reichstag was elected in November, 1933, it has met only sixteen times in all up to the middle of 1942. The meetings usually last from one and a half to three hours, depending on the length of the Leader's speeches. The procedure is rather simple. When the Leader enters the Reichstag, all members rise and salute in the Hitler style, "Heiling" the Leader enthusiastically. Then Goering, Speaker of the Reichstag, asks the Leader in a brief formula to begin his address: "I ask our Leader to speak." The Leader then speaks or, rather, tries to speak, but he cannot do so, as renewed "Heils" and storms of jubilating enthusiasm prevent him from beginning his address. But finally the Leader motions that he intends to begin. All is silence. The Leader then reads his speech from a prepared manuscript. Laughter, enthusiasm, "Heils" again puncture the address from time to time. After the address is over, the members

<sup>3</sup> Huber, *Verfassung*, *op. cit.*, p. 99.

rise again; "Sieg Heil" follows "Sieg Heil," and the applause is roaring (*brausend*).<sup>4</sup>

It should be noted that in the majority of sessions no law was passed or ratified. Whenever ratification was required, the Speaker would admonish those who were loyal to the Leader to get up and thus express their consent. The members then got up, cheered, and were allowed to sit down again. About three quarters of the sessions were devoted to the discussions of great issues of foreign affairs. Since 1938, all meetings were called for the express purpose of listening to the Leader's declaration on some great issue of foreign affairs. Typical occasions for calling the Reichstag into session were the following: in 1934, the blood purge of the party; in 1935, the introduction of conscription which violated the Versailles Treaty; in 1936, the violation of the Locarno Treaty by militarizing the Rhineland; in 1938, the annexation of Austria; in 1939, the decision to make war on Poland; in 1940, the invitation to Britain to surrender after France was defeated; in 1941, the declaration of war on the United States; in 1942, the account for the failure to defeat Russia.

The number of the members is determined by the size of the electorate that actually goes to the polls, since sixty thousand votes count for one member. This explains, to some extent, the tremendous pressure which the party bears upon the public to go to the polls. Although the Reichstag has met only in sixteen sessions during nine years lasting in all fifty hours at best, members receive six hundred marks (\$240 at par, but more probably equal to about \$200 in purchasing power) per month as their salary for legislative work. Considering that the German people have spent about one hundred million marks on these fifty hours, the words of the Leader are apparently quoted at a high rate.

<sup>4</sup> This account, typical of a session, is taken from the *Deutsche Allgemeine Zeitung* of May 6, 1941, describing the session of May 4, 1941. Two or three sessions were broadcast before the outbreak of war, and the procedure described could be closely followed over the radio as the broadcasts were relayed to the United States.

It is interesting to note that in November, 1933, only 661 members sat in the Reichstag. The word got around that it was a fairly remunerative position. In the Reichstag elected in April, 1938, the number rose to 813. Even the increase of the electorate through the annexation of Austria does not account for this great increase.

The tasks of the Reichstag, a Nazi political scientist notes, "have nothing in common with the previous parliamentary functions."<sup>5</sup> It has a purely acclamatory character and should not be confused with the Italian or Soviet parliaments under the dictatorial systems of Fascism or Bolshevism. The big difference is this. Under the Fascist and Soviet systems the members of the parliamentary bodies have at least the privilege and right to talk and express in glowing terms what great men their national leaders are. The brown-shirted poor devils in the Reichstag do not even have this privilege of expressing their admiration for the great man except by ovations and "Heils." Never since November, 1933, has there been a single discussion, debate, or speech by anyone except the Leader.

Why, then, is the Reichstag being retained? The reasons are manifold. First, Nazism definitely believes that you can fool many people all the time. There are still some people inside Germany, and in the world outside, who are impressed by the fact that the Nazis are, after all, not so revolutionary. They argue that the Nazi conception of popular rule may be more in the style of the wave of the future, but that at least it retains an important element of the traditional procedure of representative government. Second, the existence of the Reichstag provides splendid incomes for over eight hundred meritorious party leaders who receive over twenty-five hundred dollars a year for listening to the Leader for three to seven hours per annum. That does bring about some rise in living standards. Third, each time the Reichstag is called on the occasion of an important event in do-

<sup>5</sup> Huber, *Verfassung*, *op. cit.*, p. 101.

mestic or, more frequently, in foreign affairs, the Nazi propaganda machine has the opportunity to build up the setting of the event by pointing out that the speech is so important that the Leader has decided to give it in the Reichstag. Through this preparatory propaganda a good deal of attention inside Germany as well as in foreign countries can be built up. That is also, no doubt, one of the reasons why the topics discussed by the Leader in the Reichstag speeches have more and more been exclusively concerned with foreign affairs.

### *The Plebiscites*

Under the Weimar Constitution two forms of popular referenda were provided for. First, the President of the Reich could demand a popular referendum on laws passed by the Reichstag. In this case the people were to act as the final arbiter between the highest legislative and executive organs of the state. Second, a popular referendum had to be held upon the demand of one third of the members of the Reichstag if they were simultaneously supported by at least one twentieth of the voters. In this case, the decision was to be transferred from the Reichstag to the people directly for a final referendum. Although the first type of referendum was never employed between 1918 and 1933, the second was used several times.

Under the Nazi system, the law of July 14, 1933, authorizes the government to ask the people whether it approves of specific laws or measures. In all three Nazi plebiscites held so far, the purpose of the plebiscite was to confirm a policy of the government which it had decided upon two to four weeks before the plebiscite. On October 14, 1933, the German government withdrew the German membership in the League of Nations as well as in the Disarmament Conference. The plebiscite on this *fait accompli* was held on November 12, 1933. On August 2, 1934, President von Hindenburg died. On August 19, 1934, a plebiscite

was held on the amalgamation of the office of the President with that of the Leader and Chancellor. A law providing for this amalgamation had already been passed on August 1, 1934, i.e., one day before old Hindenburg was quite dead. He had been expected to die at that time, but the Leader was apparently so impatient at waiting until the old Field Marshal was completely dead that he issued the law providing for his inheritance of the presidential office before that event had actually occurred. The third instance of the plebiscite was in connection with the annexation of Austria. On March 11, 1938, German forces entered and occupied Austria. On March 13, 1938, Austria was incorporated into Germany, and all necessary legal provisions were passed. The plebiscite was held on April 10, 1938. The purpose was again to confirm a *fait accompli*. Before the plebiscites the Nazis are, of course, the only ones allowed to propagandize the public. The number of "yes" votes rose from 93 per cent in 1933 to 99.8 per cent "yes" votes in 1938. Only 0.2 per cent now separates the Leader from a full 100 per cent. But after 99.8 per cent, only about 105 per cent or so could really appear impressive. This may be one of the reasons why there have been no further plebiscites since the annexation of Austria.

## *Chapter III*

### State and Local Government

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#### *Changes in State Government*

Totalitarianism and the leadership principle have fundamentally changed the organizational structure of German government as an interplay between federal and local authorities. In the Second Reich the constitution had provided for a federation of the German princes. But the federal aspects could never work out as provided on paper because the military, industrial, and numerical strength of Prussia overshadowed all other states combined. The defeat of Germany in the first World War hastened the process of defederalization. By virtually forcing the German states to overthrow their ruling dynasties, the Allies sacrificed one of the mainstays of regionalism in the Reich. The Weimar Constitution denoted a remarkable progress in the inevitable strengthening of the central authority of the Reich over the local powers of the states. Many of the German states owed their boundaries to dynasties created by marriage, inheritance, or bargaining. Once these dynastic interests were swept away by the establishment of republican states after the defeat in 1918, the road was clear for a strong national government.

What was begun by Bismarck and continued by the Weimar Republic has now been brought to its conclusion by the Nazi

regime. Immediately after the election of March 5, 1933, the Nazis began to assert their authority in the states. In eight states the Nazis were already in complete command of power: Prussia, Thuringia, Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, Brunswick, Anhalt, and Lippe. In six states, mostly in southern Germany, and in the three Free Cities of Hamburg, Luebeck, and Bremen the local authorities were at first unwilling to cede their constitutional authority to the Nazi hordes who demanded the resignation of the legally constituted governments. The local Nazi groups thereupon massed their armed formations of Storm Troopers (SA) and Elite Guards (SS), and forced the resignation of these recalcitrant governments. The national government installed Reich Commissars in charge of state administration, pending a more definite settlement of the whole problem.

Shortly afterward laws were passed by the national government regulating the whole issue of state government by appointing national governors in the states. Their task was to enforce the policies passed by the Leader, as the law providing for national governors (March 25, 1933) stated in its preamble. This process toward the unitarian state (*Einheitsstaat*) was carried a step further in the final law on the national governors of January 30, 1935. In the period between April, 1933, and the death of President von Hindenburg, the national governors were appointed by the President of the Reich upon the proposal of the Reich Chancellor. Since August 2, 1934, the Leader himself appoints and dismisses national governors. Originally, the national governors had been under the direct control of the Leader. In 1934, they were placed under the jurisdiction of the Ministry of the Interior. Since the law of January 30, 1935, they are directly responsible to all ministries in their respective fields of competence. This demotion, from subordination to the Leader to the specific ministries involved, marked the demotion of the status and prestige of the national governors and reflected the decline of local authority. Nevertheless, they are not considered as civil servants according

to law, but occupy a position which in some respects is analogous to that of ministers of the Reich cabinet. However, their actual position is becoming more and more that of officials.

At first the national governors were taken from the states they were to rule, but this provision was dropped in 1935. Their effective power has been reduced still further in so far as the members of the state governments are no longer appointed by the national governors, but by the Leader upon the governors' nomination. In addition, state laws have to be approved by the Reich cabinet in order to be valid.

The primary task of each of the national governors is to represent the authority and policies of the national government in his assigned area. The governors are the guardians of the national government who see to it that local claims do not interfere with the smooth working of national policies. They assemble periodically in Berlin, as the free representatives of the state governments used to do up to 1933. But the meaning of these meetings has changed. Now it is not the representatives of the states who get together in order to present joint demands to the national government; it is the Leader who convokes his underleaders in order to communicate to them the broad outlines of national policies.

The tenacity of traditional local and state organizations may be perceived from the fact that, after ten years of increasing centralization of national authority, the Reich still has not achieved the desired uniform pattern reflecting the totalitarian character of the Nazi regime. The Law of January 30, 1934, on the Reorganization of the Reich was one of the most far-reaching measures in strengthening the totalitarian and unitarian character of the Reich. Article 1 proclaims that the state legislatures are abolished. Article 2 adds positively that the rights of the states are transferred to the Reich. Article 4 authorizes the Reich cabinet to make constitutional laws. This, of course, includes, among

others, the authority to change the federal structure of the Reich —one of the bases of the Weimar Constitution.

The state governments have been put under a threefold control of the Reich. First, the Leader appoints and dismisses their members. Second, the Reich cabinet as a whole, as well as individual Reich ministers within the jurisdiction of their departments, can act through the state governments. Third, the national governor controls the state government directly since his official seat is in the same capital as that of the state government. In some states, such as Saxony, Hesse, Lippe, and Hamburg, the offices of the national governor and the premier of the state government have been combined in the person of the national governor. In the other states, premiers of somewhat uncertain color and authority continue to maintain their offices. In several instances two smaller state territories have been placed under one national governor to achieve greater efficiency and centralization. This has occurred in Oldenburg and Bremen, Brunswick and Anhalt, Lippe and Schaumburg-Lippe. Further measures tending to centralize the Reich territory were taken in the amalgamation of Mecklinburg-Strelitz and Mecklinburg-Schwerin into one state under the name of Mecklinburg in 1933, and in the absorption of the ancient Free City of Luebeck into Prussia in 1937. The Free City of Hamburg was enlarged in area through the incorporation of neighboring communities embraced by the areas of Greater Hamburg. It is significant that its name has been changed from "Free City of Hamburg" to "Hansa City of Hamburg." This was to recall the great days of the Hansa cities in the late Middle Ages. The Free City of Bremen was put under the jurisdiction of the national governor in Oldenburg in 1933. It is thus seen that the main purpose of this territorial reorganization is to wipe out the memories of the Free Cities of Luebeck, Hamburg, and Bremen, symbols of liberal, commercial, and cosmopolitan tendencies in German history.

In addition to the fourteen states (*Länder*) of the *Altreich*

(Germany proper until March 11, 1938), the recent enlargements of German territory have brought some new organizational units. When the Saarland voted for the return to the Reich in 1935, it was not brought back into the territorial jurisdiction of Prussia and Bavaria to whom it had belonged before 1914. Instead, the Leader appointed a Reich Commissar who administered it in behalf of the Reich. His position was analogous to that of the national governor in the states. The Saarland was not a state but was directly administered as Reich territory. On November 30, 1940, the French territory of Lorraine was officially incorporated into the Saarland under the administration of Joseph Buerckel. He is the Leader's *Anschluss* expert who had ruled the Saarland and Austria following their incorporation into Germany. From that day on the Saarland and Lorraine have been combined into the single administrative unit known as *Westmark*. This is to stress the character of this area as a special military area in the west of the Reich. The conquered French territory of Alsace has been added to the state of Baden.

The conquest of Austria, too, has introduced some new organizational elements into the pattern of German local and regional administration. When Austria was seized in March, 1938, her name was changed from Oesterreich, which sounded too loaded with great historical memories, to Ostmark, which was to symbolize the nature of Austria as a military frontier of Germandom in the east. However, it would have been too dangerous to retain Austria as a distinct administrative entity. Therefore, after a brief provisional rule under the *Anschluss* specialist Buerckel, Austria was divided into seven Reich districts (*Reichsgaue*) administered directly by national governors. The historical internal organization of Austria was deliberately transformed so as to create new administrative units. Thus Austria ceased to exist even as an administrative entity. It may be presumed that its cutting up into several Reich districts foreshadows a similar organization of all states whose historical territories have so far

been preserved as administrative units to which sentimental attachments can still be ascribed. It would thus be quite feasible if such large states as Prussia, Bavaria, or Saxony were divided up into *Reichsgaue* as has been done in Austria.<sup>1</sup>

That the unit of the Reich district (*Reichsgau*) seems to become the uniform pattern of the future is also confirmed by further additions of Reich districts after the incorporation of Austria. When the Sudetenland was taken from the Republic of Czechoslovakia in September, 1938, it was integrated into the Reich organization as *Gau Sudetenland*. When Poland was defeated in the fall of 1939, two new Reich districts were formed out of predominantly Polish territories. The *Gau Danzig-Westpreussen* is the new Reich district composed of the former Free City of Danzig and Polish West Prussia. The *Gau Wartheland* is the new Reich district incorporating the Polish province of Poznań. In October, 1939, the name of the territory was *Gau Posen*. However, since this did not seem German enough, its name was changed in 1940 to *Wartheland*. In January, 1941, two new Reich districts were created. Substantial Polish territories were added to German Silesia including, among others, Polish Silesia and adjacent sections of Galicia. All these territories were divided into two new Reich districts: *Gau Oberschlesien* (Upper Silesia) and *Gau Niederschlesien* (Lower Silesia). As in all the other Reich districts, new administrative units are created in conquered areas so as to remove memories of days past.

Finally, it should be noted that the existing variety of administrative local and regional units is increased by the governmental forms of the Protectorate of Bohemia-Moravia and the Polish-inhabited Government General. These areas are administered by German officials whenever questions of policy making are involved. They are definitely under the sovereignty of the Reich. Although the inhabitants of these territories are not citizens of

<sup>1</sup> For a fuller discussion see Willy Beer, "Laender, Provinzen, Gaue," *Das Reich*, April 20, 1941, and "Der Gau" (editorial), *Frankfurter Zeitung*, May 18, 1941.

the Reich, they are ruled directly by Reich officials: the "Reich Protector" in Bohemia-Moravia and the "Governor General" in the Government General. These territories have no diplomatic representation abroad as the Reich claims and exercises over them effective sovereignty. The inhabitants of these territories have none of the rights of citizens of the Reich, but practically all of the duties, except military service. Thus the Protectorate and the Government General form part of the regional and local administrative structure of the German Reich. Their status is administratively of great interest because they portend the technique of ruling advanced European nations on a colonial pattern.

Finally, a word about Prussia, which occupies a special position in the regional and state pattern of the Reich. The historical pre-eminence of Prussia has not only been preserved but possibly even enhanced. The Leader himself is the national governor of Prussia according to the law of January 30, 1935. He has delegated this position to Marshal Goering, premier of the Prussian state government. Since Goering was the No. 2 Nazi leader even before his official designation as the successor to the Leader in 1939, it is evident that the position of national governor in Prussia is considered a key position of power in the whole Reich.

The independence of Prussia has been curtailed in a twofold manner. First, the members of the Reich cabinet are ex-officio members of the Prussian state cabinet. All Prussian ministries, with the exception of the treasury, were absorbed by the respective Reich ministries. Second, the *Oberpraesidenten* (governors) of the eleven great provinces into which Prussia is divided were under the jurisdiction of the Prussian government until 1934. Since the law of November 27, 1934, the *Oberpraesidenten* have become, in the language of the law, "permanent agents of the Reich government." The latter may give them instructions directly, without intervention of the Prussian government. From this brief survey of the administrative position of Prussia under the Nazi

regime, it may be seen that Prussia has in theory retained much of its traditional glory and prestige. In terms of administrative responsibility and direction, however, the Nazi regime has continued the trend of the Weimar Republic. It is the Reich now that administers Prussia rather than vice versa, as in the Second Reich. Prussianism has never been in fuller possession of German political life than under the Nazi regime; Prussia as a territorial and administrative unit has never been more emasculated and shadowy than under the same regime.

#### *The Leadership Principle in Local Government*

The victory of Nazism not only transformed the government of the Reich and the states along totalitarian lines, but also fundamentally changed the nature of German local government. In the history of German politics, the achievements in the field of local self-government stand out as the sole successful German experiment in the art of self-government. Before the advent of Nazism to power, many observers and friends of Germany abroad had felt that the traditions developed in the evolution of municipal institutions were the only solid promise for the future of political liberty in Germany. However that may be, totalitarianism and the leadership principle implied in the Nazi system have destroyed the last vestiges of the time-honored German experience in local self-government.

Before a new legal basis for municipal government was established, the personnel was completely changed, with the view of achieving uniformity of outlook between the national regime and local authorities. At the time of the Nazi advent to power, Germany had about 51,000 municipalities (*Gemeinden*). Of these "about 50,000 mayors were substituted by new men unconditionally devoted to our State within a short time."<sup>2</sup> This candid

<sup>2</sup> Kurt Jersich, "Entwicklungstendenzen der gemeindlichen Selbstverwaltung," *Zeitschrift fuer die gesamte Staatswissenschaft*, 98 (1938), 291. Dr. Jersich was at that time managing chairman of the League of German Municipalities.

statement throws some light on the magnitude of the task which the Nazis had to confront in the process of synchronizing local government.

The first legal reform of municipal government was carried out by the Prussian Municipal Law of December, 1933, which was finally adopted as the basis for the German Municipal Code of January 30, 1935. The leadership principle found a double realization in the municipal code. First, the municipality lost its independent, autonomous status (which the French call the *pouvoir municipal*) within the jurisdiction of the state sovereignty. It has come under the direct and all-inclusive control of the Reich government. The Municipal Code contains the following provisions. The Reich supervises the municipality so as to assure its administration in accordance with the laws and objectives of the national leadership. However, the Code postulates that "this supervision shall not impair the initiative and sense of responsibility of municipal authorities" (Article 106).

The national control is exercised by the Ministry of the Interior in Berlin, which appoints subordinate agencies of municipal supervision. This supervision extends to all municipal affairs and may be effected by the superior authority at any time. When municipal measures or acts run counter to the laws or broad objectives of the Reich, the supervising authority may itself institute the necessary steps, and may also appoint a commissar to bring them into effect. Municipal budgets and substantial financial arrangements have to be approved in advance by the Reich authorities. The mayors and councilors in cities of over one hundred thousand inhabitants are appointed by the Ministry of the Interior; in cities of lesser size the appointments are effected by the national governors of that territory or by other authorized Reich officials.

The second expression of the leadership principle is found in the internal life of the municipalities. The mayor is now an appointee of the Reich government directly or through the inter-

vention of Reich officials. He "leads the administration in full and exclusive responsibility" (Article 32 of the Municipal Code). The fact that the mayor, as leader of the municipality, "forms, declares, and carries into effect its will" constitutes, according to the Nazi view, "no denial of municipal autonomy," but represents "its noblest form of realization."<sup>3</sup>

The mayor represents the municipality, and appoints and dismisses municipal employees of all categories. In municipalities of under ten thousand inhabitants, the mayor's office ordinarily holds no salary. In municipalities of over ten thousand inhabitants, it is a full-time, paid position. In the latter cities it must be advertised in case of vacancies. Similar to the mayor's status is that of his deputies in municipal administration, the *Beigeordnete*. The first deputy assists him in an over-all capacity, whereas the other deputies represent him as heads of the various administrative departments.

A new figure in municipal organization is the "party delegate." His task is to assure the conformity of municipal administration to Nazi objectives and policies. He is appointed by the Deputy of the Leader or his representative. Ordinarily the party delegate in municipal government is identical with the local Nazi leader. He, and he alone, is the party agent who may interfere with the course of municipal affairs. The Municipal Code specifies the jurisdiction of the party delegate in order to avoid as much as possible duplication of supervision by state and party cumulatively. The primary task of the party delegates is to select candidates for vacant offices of mayor or head of municipal departments. He then submits the names of the three most suitable candidates to the Ministry of the Interior in Berlin (for cities of over one hundred thousand inhabitants), or to the national governor or to other Reich officials (for all other municipalities). The party delegate, in consultation with the mayor, freely appoints the members of the city council. Their office is always unpaid, and the

<sup>3</sup> Karl Lohmann, "Grundsätze des neuen Gemeindeverfassungsrechts," *Zeitschrift für die gesamte Staatswissenschaft*, 95 (1935), 502.

main criterion of selection is their "political reliability, capability, and character" (Article 51 of the Municipal Code). Their task is twofold. First, they have to be consulted in a number of important issues specified by law. The mayor, however, is not bound to pay heed to their counsel. Second, the councilors are expected to maintain intimate contacts between municipal government and the local population and to create among the people "a sympathetic understanding for the measures taken by the mayor" (Article 48 of the Municipal Code). The councilors are selected by authoritarian methods which, it is hoped, will safeguard the "organic character" of municipal advisory bodies. However, even the leader of the League of German Municipalities candidly admitted that frequently "the councilors have neither the time nor the will" to fulfill their duties.<sup>4</sup> The dualism of party and state permeates the sphere of municipal administration as most other provinces of government under the Nazi regime, and has created some confusion. Even a Nazi student of municipal affairs has expressed his sense of bewilderment as to the exact locus of authority and representation: "The demand for clarity raises the question who, after all, really represents the community: the party delegate as 'representative of the people,' the councilors as 'expression of the corporative element of self-government,' or the mayor as the 'leader' of the municipality?"<sup>5</sup>

Finally, the administration of the three greatest cities in the Reich, Berlin, Vienna, and Hamburg, occupies a position of its own. A special Law on the Constitution and Administration of the Reich Capital of December 1, 1936, provided that Berlin should be reorganized so as to achieve more co-ordination with the Reich. The most important feature of this reform was that the mayor of Berlin is appointed by the Leader personally. Similarly, the mayors of Hamburg and Vienna are appointed by the Leader since 1937 and 1939 respectively, and both cities are under the immediate jurisdiction of the Ministry of the Interior.

<sup>4</sup> Jeserich, *op. cit.*, p. 292.

<sup>5</sup> Lohmann, *op. cit.*, p. 507.

## *Chapter IV*

### *The Nazi Party*

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#### *How the Party Monopoly Was Established*

The connecting link between the Leader and the people is the National Socialist German Workers' party, as it is officially styled. Immediately after Hitler had been appointed Chancellor of the Reich on January 30, 1933, the Nazis began to terrorize the other parties. The tactics employed by the Nazis in the destruction of all German parties were exactly the same as those that were later employed in the destruction of nation after nation on the Continent, both before and after the official outbreak of war in 1939. Until the elections of March 5, 1933, these terroristic activities were directed primarily against the Communists. Immediately after the burning of the Reichstag, the Communists were seized and jailed, and some of the leaders killed without trial. On March 8, 1933, Dr. Frick, Minister of the Interior, declared in a public address that the Communist Reichstag members elected on March 5 would be unable to attend the first session of the new Reichstag on March 21, as they would be doing more urgent and useful work on that day. The Communists would have to be re-educated to useful work. "They will find ample opportunity for it in the concentration camps."

By thus scheming the annihilation of one party at a time, the

Nazis succeeded in skillfully exploiting the division among their opponents. While the Communists were murdered and thrown into concentration camps, the middle class and conservative parties remained in their neutrality, which they thought could endure indefinitely. After the Communists were eliminated, the socialists were next. Officially they were dissolved on June 23, 1933, but, unofficially, even before that date, their leaders had been seized and some of them shot "while trying to escape." Again, the conservative parties behaved as if the Nazis would leave them alone as long as they would remain "neutral" and "isolationist." But they were all mistaken in the end. Late in June, all the other parties decided to terminate their existence, under the pressure of illegal terrorism and official threats. Many leading members of these parties, including the two Catholic parties (the Center party and the Bavarian People's party), quickly adjusted themselves to the new times by applying for membership in the Nazi party.

The Nazi government outlawed, in June, 1933, the nationalist Fighting Leagues, a semi-Nazi organization, on the basis of the decree of February 28, 1933, against "Communist, subversive, acts of terror." Hugenberg, the leader of the Nationalists, realized too late that his support of the Nazis, which greatly contributed to their triumph, had brought about what the alliance with Nazism was to prevent—destruction of the very conservative forces. The German conservatives could at least claim that the Nazis had never played that game before. The friendship of Poland with Nazi Germany under the conservative and authoritarian rule of Colonel Beck and the ensuing destruction of Poland almost uncannily repeated the fate of the German conservatives who had trusted the Nazis only to be annihilated by them. Neither the Polish ruling classes nor the conservative elements of France, Britain, and the United States could plead ignorance in 1935-39 as the German conservatives could in 1933.

Shortly after the dissolution of the last political party, the

government passed the following law establishing the "New Order" for Germany's internal political life: "1. The only political party in Germany is the National Socialist German Workers' Party. 2. Whoever undertakes to maintain the organization of any other political party or to form a new political party is to be punished with imprisonment in the penitentiary up to three years or in jail from six months to three years, unless the offense is not punishable more severely under other provisions." The title of the law is "Against the Formation of New Political Parties." The date was July 14, 1933. July 14 is the great day of the French Revolution when the Bastille was stormed. It is the great national holiday of the French nation, similar to the Fourth of July in the United States. "It is not lacking in irony," a Nazi writer reminds us, "that Hitler chose precisely that day in order to announce this law which made an end to liberalism and party rule in Germany."<sup>1</sup>

On December 1, 1933, the Nazi party became (through the "law for safeguarding the unity of party and state") a corporation of public law subject only to the regulations of the Leader himself. Although the party is a corporation of public law, it is independent of any organ of the state unless specifically decreed by the Leader. The provisions and laws regulating the organization and administration of the party emanate from the Leader as the head of the party, rather than as the head of the Reich.

### *The Organization of the Nazi Party*

Due to the privileged legal character of the Nazi party, it became necessary to establish clear definitions of the various organizations making up the party. The order of the Leader of March 29, 1935, defined the position of the party. Under this regulation the Nazi party includes only the party proper and its "divisions":

<sup>1</sup> Gottfried Neesse, "Die verfassungsrechtliche Gestaltung der Ein-Partei," *Zeitschrift fuer die gesamte Staatswissenschaft*, 98 (1938), 692.

the armed formations (Storm Troopers, or SA, and Elite Guards, or SS), the Motor Corps, Hitler Youth, Women's League, and the German Students' League. These "divisions" are integral portions of the party and have no separate legal or financial status. In addition, the following "associated organizations" are listed in the law: German Doctors' League, German Lawyers (including judges and law teachers), National Socialist League of German Teachers, Welfare Organization, War Veterans, Civil Servants, Engineers, and the Labor Front. All these organizations are merely "associated" with the party, and function as separate legal and financial entities. They are not integral sections of the party, although, of course, they are closely directed and supervised by it.

The party is organized on the leadership principle. The terror that is practiced by the party as a whole against outsiders and enemies is practiced against members inside the party, but even more severely. The lowest party unit is the "house group," comprising the members of a single apartment house. The German urban population is housed, unlike that in England and in the United States, in tenements rather than in single-family dwellings. This greatly facilitates vigilance and spying. Several house groups form a "block," led by a block leader. The "cell," the next stage of the hierarchy, is led by the cell leader. Several cells form the "local group," several local groups the "county," several counties the "district." The Reich was divided into thirty-three districts (*Gaue*) until 1938. The conquests of Austria, the Sudetenland, and the addition of Polish territories in the east and of Lorraine in the West have increased that number by twelve, or forty-five in all. Hitler is the Leader of the whole party.

The local and regional organization of the party is paralleled by a similar network of various organizations devoted to activities promoted or approved by the party, such as party education, propaganda, press, colonial questions, and the like.

*Party and State*

The relationship of party and state is one of the most frequently discussed issues in recent German political and legal literature. Although the details of this problem may be controversial, the main outlines are clear. Unlike parties in a democratic state, the Nazi party has the authority to create law. Nazi party law may mean two things. First, it means all those laws and regulations defining the organization, power, rights and duties of the party or its members, regardless of whether such laws were made by the state or by the party. In brief, party law here refers to the whole body of law affecting the party. Second, the concept of party law may also mean the sum total of legal rules and provisions issued by the party, regardless of whether they refer to party members specifically or to the public in general. In this case, the concept of party law refers to the origin of the law, the author of its creation. In either case, acts of party officials against citizens have been held to be valid law by the German courts. If such acts are of a political nature, the courts even refuse to deal with them.

The penal code of the Reich now protects the officials of the party, as well as its insignia and uniforms, and punishes, also, "discrediting statements about the party." Even the false claim of being a party member is punished with imprisonment. Party secrets and documents are protected by the law as if they were state secrets or documents. The party has even its own system of courts. Regular courts are obliged to assist them as if they were state courts, and the party courts have also the authority to hear witnesses under oath. The party courts, unlike the German courts, also function in foreign countries.

In addition to its own legal status, which the party derives from its own Leader rather than from the state, it also has its own financial status. It is not under the control of the state but is subject only to internal supervision. Just as the Reich has its

own Court of Accounts, the party, too, has its own agency of a similar character. The income of the party goes into many millions of dollars annually. Exact figures are not published, but the income must be enormous. Dues from over three million party members, special fees and charges of various sorts, and periodical collections and lotteries add up to enormous sums. In addition, the revenues of the party divisions and affiliated party organizations yield very substantial sums. Party property is not taxed—another burden on the taxpayer the amount of which is unknown. The record of the one-party system anywhere proves that one party always costs the public a great deal more than two, three, or more parties.

The organizational unity of party and state is represented in the following important links. The Leader of the party is also the Leader of the Reich. The Deputy of the Leader is a member of the Reich cabinet and of the inner cabinet which is charged with the government of the Reich for the duration of the war. His main task is the supervision and co-ordination of all legislative projects to assure their conformity to the principles of Nazism. He is also charged with the Nazification of the civil service. The head of the propaganda bureau of the party, Dr. Goebbels, is also head of the propaganda ministry. The head of the Nazi organizations abroad is entrusted with the same task, but on a wider scale, as a high official in the Foreign Office. In 1936, the Leader also appointed the head of the SS (Elite Guards), Heinrich Himmler, head of the German police, including the Secret State Police (Gestapo). The leader of the Hitler Youth was appointed, in 1936, Youth Leader of the Reich as head of a state organization comprising the whole German youth.

In addition to these especially prominent personal and institutional links between party and state, the unity is further enhanced by one most important element. The forty-five *Gauleiter* or district leaders of the party, highest ranking party officials, are also in their territories the national governors or provincial gov-

ernors. The unity was achieved by the appointment of the district leaders to these high government positions rather than vice versa. This also happened in the case of the newly conquered territories. In Austria, the Sudetenland, and in the other areas incorporated in 1939, 1940, and 1941, the district leader of the party was appointed governor of the area. Finally, it should also be remembered that the most important continuous process in the co-ordination of party and state is the order issued as early as the middle of 1933 that all positions in the civil service (national, state, or municipal) should be first offered to members of the Nazi party who had joined the party before January 30, 1933. Since that time, no person may be appointed in the public service without the approval of the local party leader.

The hold of the party over public life cannot be gauged only from the facts given above. The very size of the party leadership constitutes in itself an important element of tremendous political strength. The territorial organization of the party in the *Altreich* (Germany before the annexation of Austria) created a party hierarchy of impressive dimensions: 33 district leaders, 760 county leaders, over 21,000 local leaders, 70,000 cell leaders, and 400,000 block leaders. These were the figures for 1935. By 1937, the total number had risen to 700,000 political leaders. The inclusion of Austria, Sudetenland, and the incorporated territories taken from Poland and France must have raised this figure to a number which is close to, if not actually exceeding, the one million mark. If one adds the officials of the party divisions and affiliated organizations, such as the Labor front, the Women's Leagues, and others, over one million and a half additional persons closely linked to the public functions of the party are to be taken into account. Although there may be duplication of offices in many cases, the number of persons holding positions of authority, be it only the authority of the block leader, must be around two millions.

In addition to this vast political machine in which approxi-

mately two million persons have acquired personal stakes, the party is also increasingly permeating the state machinery with Nazi personnel. This infiltration of the civil service with approved Nazis has been not only a matter of fact but also of law. As was pointed out above, a cabinet order decreed as early as the middle of 1933 that all vacancies in the civil service should first be offered to tested fighters of the Nazi movement. Since then, no civil servant may be legally appointed without the approval of the local party leader.

An administrative decree of the Minister of the Interior of July 10, 1934, provided that civil servants engaged in personnel work must be members of the party. The authority of personnel managers has always been very high in Germany, even before 1933, because the hiring and firing of personnel is done by the individual departments. Unlike England and the United States, Germany has never known the institution of the civil service commission. This traditionally large authority of personnel managers in Germany has now become the exclusive monopoly of party members, who have thus acquired the key position, as a matter of law, in the organization of the civil service. A further decree of the Minister of the Interior of November 1, 1935, lays down the general rule that, in the future, membership in the Hitler Youth organization would be a prerequisite for entering the civil service. The exclusion of a civil servant from party membership usually costs him his position in the public service.

This tie of the civil servant to the party is also emphasized by the oath of loyalty to the Leader personally that every civil servant has to swear. According to Article 71 of the Civil Service Law of January 26, 1937, the Leader has the right to dismiss any civil servant, even those who have lifelong tenure, if they no longer satisfy the party with regard to their loyalty to Nazism. This authority of the Leader was confirmed by him again in his address of April 26, 1942, before the Reichstag.

The same Civil Service Law of January 26, 1937, also pro-

vides that a civil servant has to inform his superiors of events detrimental to the Nazi party even if he has learned these facts outside his capacity as a public servant. Likewise he is held responsible for acts within his household which contravene the Nazi code. Every civil servant is thus compelled to be his own Gestapo agent. This is the new type of civil servant aimed at by the new laws.

As a consequence of all these provisions, the number of Nazi appointees in the civil service is proportionately very high. Of the top administrative posts over 80 per cent had been replaced by tested Nazis within four years of Nazi power. The Nazification of the lower strata of the civil service can also be seen from the fact that the public officials amounted to 6.7 per cent of the Nazi party membership before 1933, whereas in only two years after the seizure of power this percentage had climbed up to 28 per cent. Every official, according to an authority on the new civil service provisions, "must always prove himself to be a living propagandist of the National Socialist idea."<sup>2</sup>

In addition to the monopolistic usurpation of positions in the civil service, the party has also created many thousands of semi-civil service positions in the administrative and executive offices of the organizations affiliated with the party, such as the national associations of doctors, lawyers, teachers, civil servants, and the Labor Front. Although some of these organizations merely represent Nazified rather than newly created bodies, the administrative and executive positions have in either case been exclusively reserved for well-deserving Nazis. According to the decree of October 24, 1934, the head positions in all these organizations are automatically occupied by the heads of the respective

<sup>2</sup> Hermann Reuss, "Grundfragen und Grundzüge des neuen Dienststrafrechts," *Verwaltungsarchiv*, 42 (1937), 374. See also Carl Dernedde, "Die Praxis der Aemterverbindungen in der Verfassung und Verwaltung des Reiches," *Zeitschrift fuer die gesamte Staatswissenschaft*, 98 (1938), 535-60; Arnold Koettgen, "Die Stellung des Beamteniums im völkischen Führerstaat," *Jahrbuch des öffentlichen Rechts der Gegenwart*, 25 (1938), 1-65; Hans Gerth, "The Nazi Party," *American Journal of Sociology*, 45 (1940), 534-39.

departments in the Nazi party. The head of the teachers' division in the party, for instance, would thus be automatically the head of the National Socialist League of German Teachers. The same monopoly also applies to the lower levels of the hierarchy.

### *The Party Leadership*

The most remarkable characteristics of the composition of the party and its leadership are the following. First, about one half of all political leaders of the party served in the first World War or took part in the private warfare in Germany in the years following the establishment of the republic. From the first, the Nazi party made its appeal to those Germans who were not willing to forget the comradeship, heroism, discipline, and romance of war. The appeal of militarism for millions of Germans found its reflection in the high percentage of leaders who had seen active warfare against the foreign or the internal "enemy."

The second important fact about the leadership of the party is the incredibly sounding fact that about one fourth of the political leaders are elementary school teachers. It is little known abroad that before 1914 the German elementary school teacher was, together with the noncommissioned officer, already the pillar of German militarism for the masses of the people. Since the late seventeenth century in Prussia, and since 1871 in Germany, the elementary school teacher has been brought up on a conception of *Kultur* which saw in military success the essence of life. The important part played by school teachers is seen not only in the large number of teachers who occupy minor positions in the party hierarchy. Even high up in the party, school teachers are very heavily represented. The two best-hated Nazi leaders, Himmler and Streicher, are former school teachers. Himmler is head of the German police, the Gestapo, and the Elite Guards. As the leading hangman of Europe, he has ample opportunities to teach lessons now to one hundred and fifty million Euro-

peans outside Germany. Streicher is the leading pornographic writer and anti-Semite of the Reich. Here again his background as a teacher makes him eminently suitable for his educational job. The large proportion of teachers in the Nazi leadership gives an adequate impression of the magnitude of the task which the moral and intellectual rehabilitation of the German people will involve.

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*The Party Membership*

The membership of the Nazi party is characterized by two main facts. First, it rightly claims to be a party of young people. The age composition of the Nazi party contains proportionately a larger number of people under forty than the general population over eighteen. Before 1933, the respective differences in the age composition of the membership of the Nazi party as compared, for instance, with the socialist party, were enormous. After 1933, the Nazi party experienced an influx of older men in the forties and fifties who were anxious to get on the band wagon. As a result, the age composition approximated more closely that of the general population, but retained a noticeable margin of youth over the general population. Since 1937, the party has been declared by the Leader to be open essentially only to the members of the Hitler Youth when entering the age of eighteen. This has again tended to maintain the favorable age distribution within the party.

The second remarkable feature about the composition of the party is the fact that terror and propaganda have been unable to reflect in the party the general proportions of the social structure of the German people. Before 1933, the party was able to gain 37 per cent of the vote in the national election, but only 4 per cent of the vote in factory elections. Even in the elections of March 5, 1933, manipulated by a Nazi-controlled government, the socialists and Communists in Berlin polled more votes to-

gether than the Nazis. It is therefore of interest that the party has retained in its membership its class character. The representation of manual workers in the party continues to be less than their share in the general population, while the white-collar workers are considerably overrepresented.

In conclusion, it should be remembered that in understanding the nature of the Nazi party one should be constantly aware that the totalitarian party in a one-party state is no longer a party. Since "party" derives from "part," the idea of only one party makes no practical sense. One leading Nazi writer on the subject has the insight to admit that there can be no one party just as there can be no one comrade or one party to a marriage. If the name has been retained, "it has been a concession to tradition."<sup>3</sup>

The Nazi party was a party as long as it competed with other parties, and as long as it did not possess the means of compulsion belonging to the state. Since July, 1933, it is legally the sole party in Germany; it therefore no longer competes for power and so is without one of the basic characteristics of political parties. Second, the Nazi party now controls the whole mechanism of force and terror of the state. A political monopoly of 100 per cent means as much the end of parties as an economic monopoly of 100 per cent means the end of business enterprises.

The Nazi party is not a party because it has nothing in common with the historical origins of parties or with their later evolution. It is an organization in which the traditional German elements of military organization, irresponsible power, and the leadership principle have mingled under conditions of the twentieth century. One of the main reasons why the name "party" has been retained is, again, the belief among the Nazi leaders that the "concession to tradition" will misguide and fool enough people inside Germany and in foreign countries into the belief

<sup>3</sup> Neesee, *op. cit.*, p. 678.

that a party, bulwark of popular government, is still operating in Germany.

The Nazi party is thus, under conditions of monopoly power, not a party, as this word is commonly used in English. It is, according to a Nazi writer, a superpolice.<sup>4</sup> That writer raises the interesting question whether it would not be logical to abolish the one party once victory is won. Why maintain one party when there are no other parties left to fight or compete with? His answer is unequivocal: the very experience of seizing power teaches the victorious one-party that the police and army cannot be relied upon under all circumstances. "A police force can never replace a band of believing fanatics." Therefore the party must be a band of voluntary fanatics always ready to suppress the slightest move of revolt or insurrection. Such a conception of the function of the one-party fits perfectly the reality of the German constitution under Nazism as a state of perpetual martial law.

<sup>4</sup> *Ibid.*, p. 688.

## *Chapter V*

### Law and Justice

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#### *The Levels of Legal Inequality*

The Nazi theory of politics as a friend-enemy relationship aiming at the total annihilation of the enemy finds its reflection in the legal conceptions and innovations of the regime. Human organization implies rules and laws. *Ubi societas ibi ius*. But the citizens of a community retain their freedom if they are subject to the laws made by themselves. Government of laws versus government of men has been the substance of the age-old struggle of mankind for freedom. The rule of law is the core of American government. It implies equality of all before the law. It insists that men shall be punished only for a breach of the law, and for nothing else. Finally, it puts public officials under the obligation to obey the law. No one is above the law or outside the law.

The Nazi legal conceptions and institutions are a complete reversal of these principles. First, equality before the law has been denied in principle by the Leader in his first Reichstag address as Chancellor of the Reich on March 23, 1933: "Theoretical equality in the eyes of the law cannot be extended to the toleration on an equal basis of those who scorn the laws on principle, or indeed to surrendering the nation's freedom to them on the basis of democratic doctrines. But the Government will accord

equality in the eyes of the law to all those who take their stand on the line adopted by the nation and behind the national interests and who do not deny their support to the Government." This means, in a brief formula, that only supporters of the Nazi government and party can expect equal justice. The concept of equality before the law is not only a demand of justice but also of security. Only if citizens know that the laws apply equally to all will they feel secure.

A full appreciation of the absence of equality before the law cannot be gained from the brief fundamental statement of the Leader cited before. It creates the impression that the German people are divided into two groups: on the one side, all those who support the government: they will receive equality before the law. On the other side, all those who do not follow the government: they will not receive equality before the law. This picture is oversimplified. If we draw a more detailed picture we get the following result: the German people are divided into several sections with regard to equality before the law and the sense of security resulting from it.

First comes the Leader. He is the one man in Germany who has this sense of legal security. No law can be applied against him. He is above the law. After he had hundreds of Nazi leaders murdered without charge or trial on June 30, 1934, he issued a law three days later in which he stated that these killings were lawful because they were "acts of public emergency." This justification for murder did not exist in the German law but was specifically created after the murders had been committed at the Leader's command.

The next level of legal security is occupied by those who are closest to the Leader. They are in a position in which they can practice their power and arbitrariness on all those under them. But they know that no law protects them against the personal will of the Leader. Even men like Goering, Keitel, and Goebbels know that their very lives depend on the whim of the Leader.

We have seen before that the Leader has no equal, and is not subordinate to anyone or to the law. The few men on this next level of legal security are equal among themselves, have tremendous powers over all those beneath them in authority, but are in turn subordinate to the Leader. This structure of legal equality and subordination continues in the ranks of the ruling hierarchy of state and party. The lower the position of the government or party official, the more he is subordinate to a mounting scale of personal authority over him, and the less his authority over those below him becomes. The vast mass of citizens are at the base of this pyramid of a declining scale of authority and rising scale of subordination. The mass of the people, i.e., those who have no official executive functions in either state or party, exercise no authority and are merely recipients of authority and arbitrariness. However, even the mass of the population which exercise no authority are divided again into two main groups: those who are members of the Nazi party or at least in good standing with it, and the rest of the population.

The mass of the German people, subject to arbitrariness and authority but not enjoying security or equality before the law, are given one source of comfort: that there are groups in the Reich who are worse off legally and factually. Worst of all is the position of the Jews. It has become so marked with inequality, discrimination, starvation, and even mass extermination that the "pure" Germans must feel, according to Nazi assumptions, how favorable a position they occupy as compared with the Jewish members of the population. Next to the Jews come the persons who are part Jewish, and therefore subject to various discriminatory measures. Finally, there are the foreigners in Germany, especially Poles and Czechs, who are legally treated as members of inferior races. Lastly, the individual German can gloat in his superiority to the conquered populations in Europe. All this is to make up for his own subjection to arbitrary power devoid of legal bounds.

The apex of the pyramid of authority and legal security is thus occupied by the Leader, who merely holds authority and is not subject to anyone or anything, person or law. The base of the pyramid is occupied, disregarding for the moment the Jews, Czechs, and Poles, by the vast mass of the people who do not hold any position of authority in the government of the state or the party. They exercise no authority, but are subject to the laws, regulations, and arbitrary acts of all those who are above them in the structure of the pyramid of authority. The only equality which they all have in common is this: they are all equally subject to the arbitrary acts of government and party leaders whom they cannot control or dismiss, and they must all equally obey the laws and decrees in the creation of which they have had no share.

Thus there is no common equality or inequality before the law for the German people as a whole. The group to which a person belongs determines his status before the law and public authority. The status in a group is determined, in turn, by personal relations rather than by legal norms. The position of Goering is determined entirely by the fact that he can hold his great state offices only as long as he enjoys the Leader's personal confidence. Likewise the men immediately below Goering in the hierarchy of authority owe their sense of security not to the law but to their personal relation to Goering or to one of his equals. Thus we come to the following result: in the democratic community, equality before the law is universal, and the sense of security that citizens feel is based on the existence of laws which protect them against arbitrary acts of public officials. In the Nazi system, equality of law is absent. The sense of security is not of general strength, but is broken up into different levels of intensity depending upon the proximity of a person's status to the Leader. The Leader is the law.<sup>1</sup> Therefore, whoever is closer to the sole source of law, through a system of graded authority and arbi-

<sup>1</sup> Otto Koellreutter, *Deutsches Verfassungsrecht* (Berlin, 1938), p. 57, and Huber, *Verfassung*, *op. cit.*, p. 123.

trariness, is relatively more secure than those who are more removed from it.

### *Ex Post Facto Laws*

The second principle of a government by law instead of by men is the requirement that men shall be punished only for a breach of the law, and for nothing else. This principle is without exception adhered to by democratic nations, and the Constitution of the United States, for instance, expressly prohibits *ex post facto* laws.

The law of March 29, 1933, decreed that the emergency decree of February 28, 1933, threatening the death penalty for various anti-Nazi offenses, should apply to all offenses committed between January 31 and February 28, although such actions were not punishable at the time. This was the first major inroad on the principle of *nulla poena sine lege*, "no punishment without a law." On June 28, 1935, this principle was generally abolished. The statute now reads as follows: "Whoever commits an act which the law declares punishable, or which is deserving of punishment according to the fundamental idea of a penal law and according to the sound feeling (*gesundes Volksempfinden*) of the people, shall be punished. In the case that no determinate penal law applies directly to the act, it shall be punished according to the law whose basic idea best fits it." This is the only case in modern history where personal insecurity is made a universal legal principle. Persons can now be punished in Germany for committing acts which do not violate any law but run counter to the "sound feeling of the people."

On May 20, 1940, the principle of retroactivity was extended to cover all political crimes against the German state or German officials effected at any time before that date, although committed by citizens of foreign states in their own countries. Even "malicious or agitatorial utterances against leading persons of the

State or the Nazi party" are punishable. This meant that anybody outside Germany who attacked the Nazi party or its leaders in his own country at any time was made subject to the penalties provided for Germans. "Only a powerful great power can enforce this principle in practice," a German paper commented.<sup>2</sup>

But how can the sound feeling of the people be ascertained in a nation in which the people can only become articulate when allowed to cheer and *heil*? The answer is simple. The sound feeling of the people is what the people should feel if they would understand the true nature of National Socialism. Even after a person has been acquitted by a court or has served his sentence, according to the regulations of the Ministry of Justice of April 13, 1935, he must be handed over to the Gestapo for "protective custody" if he belongs to one of the following categories: gypsies, aliens, or subversive persons. The Gestapo puts him into protective custody, ordinarily a concentration camp. Protective custody means that the offender has to be protected against the wrath of the people. The question as to whether a person should be taken into protective custody is not one of fact, whether such popular hatred is actually existent, but whether it ought to exist. According to law, therefore, a person who is tried, acquitted, and taken off from the steps of the courthouse to a concentration camp, as happened to Pastor Niemoeller, is protected for his own good against popular hatred.

#### *Judicial Review of Executive Acts*

The third principle of the rule of law implies that public officials are accountable for their acts as officials. Independent courts adjudicate, under this principle, the legality or illegality of official actions which are complained of by members of the public. Under the rule of law, an official can never claim legality for an action merely because it emanates from a person of au-

<sup>2</sup> *Frankfurter Zeitung*, May 20, 1940.

thority. It can be legal only if it is based on law which defines the authority of each category of officials. The knowledge that all their actions are subject to the scrutiny of independent courts acts, in itself, as a break on potentially arbitrary officials, and remedies breaches of the law committed by public officials in good faith. The more accurately the boundaries of executive discretion are defined by the law, the greater is the area of protection which citizens enjoy and courts can enforce. In a democracy, wide discretionary powers are granted to officials only in time of war. But even in war the courts have the right, and duty, in a democracy, to review the legality of all executive actions.

As contrasted with this situation in democratic societies, the Nazi system of judicial remedies against public officials can be understood only if it is remembered that Nazi government is institutionalized and perpetualized martial law. The scope of discretion which democratic officials, including the president and heads of government departments, are granted in time of war is vastly inferior to the discretion which Nazi officials have in time of so-called peace.

First, all acts of the Secret State Police (*Geheime Staats-Polizei*, or *Gestapo* in abbreviation) are by law exempt from judicial appeal. The Gestapo was established immediately upon the accession of the Nazis to power. Even before a special law laid down this rule, the Prussian law of February 10, 1936, provided as follows: "The orders and business of the Secret State Police are not subject to review in the administrative courts." This provision of the law of February 10, 1936, may be called the Magna Carta of Terror in the Nazi regime. Before this law was passed some courts admitted appeals against actions of Gestapo officials, but in all such instances dismissed the cases on the ground that actions of the Gestapo constituted political measures with which they, as courts, could not interfere. The law of February 10, 1936, cleared up this equivocal situation by making the appeal against Gestapo action legally impossible.

No German citizen, with the exception of the Leader, to whom alone the Gestapo is subject, thus possesses a legal right to his life, let alone to his liberty. This is also true of all citizens of countries conquered and occupied by Germany. Contrary to established rules of international law, the populations of the occupied countries are as much subject to the Gestapo as are German citizens. However, it was indeed naïve for people and statesmen in the western nations to think that the Nazi leaders would mete out Gestapo justice to their own citizens of the master race and yet refrain from doing so with regard to members of inferior, i.e., all other, nations. Even refugees from Germany are no longer safe once the German army and the Gestapo catch up with the country in which they reside. After the fall of France the Gestapo made sure that German refugees in unoccupied France, whether German citizens or officially deprived of their citizenship, would not escape their clutches. As a consequence, the French government had to pledge itself in Article 19 of the armistice to hand over all Germans wanted by the German government who were in French territory in Europe and overseas.

Conservative estimates relating to the number of persons who have passed in and out of German concentration camps in the first nine and a half years of the regime run from one to one and a half million. Other estimates put this figure at two to two and a half million. Concentration camps have also been established in all occupied and annexed territories. No reliable figures are available as yet as to the number of these camps and of their inmates.

This is a study of political institutions. Therefore we cannot go into the deliberate sadism and degeneracy perpetrated by the camp guards on the inmates, because that more properly falls into the field of psychiatry and social pathology. Death is merely one of the milder penalties which can befall the victims of the Gestapo held without charge or trial.

After the law of February 10, 1936, was passed, it was assumed that actions by other branches of the police were still subject to appeal to the courts, for the law had specifically mentioned the Gestapo as the branch of police whose actions were exempt from judicial review. However, the Supreme Administrative Court of Prussia laid down this interesting ruling in a case decided on March 19, 1936: the actions of the ordinary police are also exempt from judicial review if such actions fall within the province of the Gestapo.<sup>3</sup> This ruling has been universally adopted. It means, in effect, that not only all measures of the Gestapo are exempt from judicial review but also all those actions which the ordinary police considers to be political, i.e., in defense of the state or party. On February 10, 1938, this principle of excluding political measures of the ordinary police from judicial review was expressed in statutory form.<sup>4</sup> So far the Gestapo has been established only by a Prussian law of April 26, 1933. Nevertheless, it has been operating in the whole territory of the Reich and in foreign countries, although it has no legal authority to do so. According to one of the principal legal officials of the Gestapo, Dr. Werner Best, these powers derive from a new philosophy alone and do not necessitate a specific legal foundation.

All acts of the Gestapo and political acts of the ordinary police are not the only types of official measures removed from judicial control. Many laws of a political nature directed against anti-Nazis provide specifically that acts of officials in carrying out the law are exempt from judicial review. Typical examples are a number of laws which provide for the dismissal of public employees for political reasons, the denaturalization of German

<sup>3</sup> Franz Scholz, "Die neue Rechtsprechung des Preussischen Oberverwaltungsgerichts," *Verwaltungsarchiv*, 41 (1936), 417. See also Werner Lehmann, *Der alte und der neue Polizeibegriff* (Rechtswissenschaftliche Studien, ed. by Professor F. Andre and others, No. 63, Berlin, 1937).

<sup>4</sup> Superior Judge Dr. Schuehly, "Die neue Rechtsprechung des badischen Verwaltungsgerichtshofs," *Verwaltungsarchiv*, 45 (1940), 77.

citizens, and the confiscation of property of subversive persons. In all these cases, individual measures taken under the law by subordinate officials are exempt, by law, from judicial review.<sup>5</sup>

However, even if judicial review with regard to acts of officials other than the Gestapo or the ordinary police is not explicitly prohibited by law, the effect is the same. It is a fundamental principle of Nazi law, enunciated repeatedly by cabinet members, courts, and scholars, that no official act of a political nature is subject to review by any court, administrative, civil, or criminal. Whether an act of an official is political or not is determined by the official and not by the court. Thus we see that the fundamental principle of the Gestapo—exemption of all its acts from judicial review—applies to all authorities whenever they claim that a particular action is political in nature. “Political” in all these cases means, according to a dictum in a court decision, relevant to the strengthening of the ideas of the new state. The Gestapo is thus not an exceptional institution in the Nazi system but represents a principle which is generally applied by all authorities in alleged political cases.

Another question has become important to German citizens: are acts of party officials subject to judicial review? In general it is agreed and recognized by the courts that acts of party officials which are political, or claimed by them as such, are exempt from judicial review. If a party official slanders or libels a man in public, the slandered person cannot seek redress in court if the act of the party official has been political in nature. The latter question, in turn, is decided by the party official himself. In many instances, employment in Germany is dependent on a certification by the party that the applicant is politically reliable. If such certification is refused, the refusal may, of course, determine a man's career and his position in the community.

<sup>5</sup> Siegfried Grundmann, “Die richterliche Nachpruefung von politischen Fuehrungsakten nach geltendem deutschen Verfassungsrecht,” *Zeitschrift fuer die gesamte Staatswissenschaft*, 100 (1940), 537.

and he cannot appeal against it in court. Even declarations in public reflecting upon the political reliability of a person cannot be brought before court. If a party official who owns a business spreads the rumor, against his better knowledge, that his competitor is not a good Nazi, in order to ruin him economically, the courts refuse to consider the charge. When war was started by Germany in 1939 the Leader warned the party officials and leaders that they would be held responsible for the political opinions and conduct of the population in their charge. Thus the power of party officials over the lives of the people has increased enormously since the outbreak of war.

However, the absence of judicial review is characteristic not only of all acts of the Gestapo and of political acts of all other governmental and party authorities; there are whole areas of public measures which are not necessarily political and yet are removed from judicial review. First, of course, come all laws, decrees, edicts, commands, regulations, and individual measures of which the Leader himself is the author. Next come the general regulations and individual acts of cabinet members or other heads of government departments directly appointed by, or responsible to, the Leader. Where a government is based on the rule of law, even acts of ministers have to be legal and subject to judicial review, for it is not the person of the minister but the compliance of his act with existing laws which is decisive. This is different in the Nazi cabinet system. The general regulations of the minister have the force of law, and his individual acts are always binding because of his person: he is not the member of a corporate executive body charged with the execution of the laws, as under the rule of law, but he owes his position solely to the trust of the Leader. As long as he enjoys this confidence of the Leader, his acts are law. Since the main source of law is the will of the Leader rather than a written or unwritten constitution, the legality of ministerial decrees, regulations, and acts is assumed as long as the minister holds the confidence of the

Leader. Equally, all individual acts and general regulations of the Delegate in Charge of the Four Year Plan as well as of the Cabinet Council for National Defense are exempt from judicial review, whether such acts are political in nature or not. Similarly, acts of the still existing ministries in the state governments have been held by the courts to be generally exempt from judicial review because they constitute "acts of governmental leadership."

The process of depriving the citizen of protection against illegal acts of officials has been carried considerably further since the decree of the Leader of August 28, 1939, on the "simplification of administration." This was supplemented by a second decree of November 6, 1939. Since then the organization of the administrative courts has been vitally changed. The district administrative courts have been abolished. The lower administrative courts have been deprived of their judicial functions and are left only with certain administrative functions (in such matters as the granting of licenses). The great decrease in the activities of judicial control of administrative acts owing to the abolition of whole categories of administrative courts has resulted in the establishment, on April 3, 1941, of a new national supreme administrative court (*Reichsverwaltungsgericht*) in lieu of the hitherto existing supreme state administrative courts. The new national supreme administrative court comprises first the old supreme administrative courts of Prussia and Austria, and several special administrative courts dealing with such matters as compensations in condemnation proceedings, war damages, and the like. Because of the decreed simplification of administration it is planned also to include the supreme administrative courts of the other states, such as Baden, Württemberg, and Bavaria, in the new national court so as to save personnel and labor.

Under the provisions of the new "simplified administration" a citizen who feels wronged by an alleged illegal administrative act—nonpolitical in character, of course—is now able to lodge an appeal only before the same authority which has acted in the

case in question. The decision of the authority, which is its own court of appeal, is normally final. Only if the authority whose act is appealed against holds that the issue is of fundamental importance may the appellant be granted the privilege of taking the complaint to the still existing superior administrative court.

Thus in the general framework of the new reform the administrative procedure (*Verwaltungsverfahren*) will replace the judicial procedure of the administrative courts (*Verwaltungsgerichtsverfahren*). It is of importance that the administrative agency whose action is complained of decides itself whether the issue at stake is of such fundamental importance that the recourse to the superior administrative court should be granted. The decision of the administrative agency on the appeal in its own case, where it is party and court of appeal simultaneously, is final.

For all practical purposes judicial review of administrative acts, even of strictly nonpolitical ones, no longer exists in Germany since November, 1939. It should also be remembered that the scope of administrative acts embraces not only the national administration, but also the governments of the states, municipalities, and public corporations—in short, all acts of public authorities of any kind. A number of German writers in this field have already come forward with the suggestion that the wartime measure of practical elimination of judicial review of administrative acts might well become a permanent reform of the Nazi system of law and justice.<sup>6</sup>

The establishment of the new national supreme administrative court in 1941 may well be the first sign that the practical exclusion of judicial review in administrative acts and the abolition of whole categories of administrative courts are considered by the Leader as the harbingers of a permanent reform.

<sup>6</sup> For such suggestions, see Hermann Reuss, "Die Verwaltungsrechtspflege im Krieg," *Verwaltungsarchiv*, 45 (1940), 155.

*The New Position of the Judges*

What of the position of the judge under the Nazi regime? In his first Reichstag speech as Chancellor of the Reich in 1933 the Leader emphasized his belief in the independence of judges. However, he added that this independence must be supplemented by an "elastic adjudication for the protection of society." Only two weeks later the government demonstrated its elastic conception of judicial independence.

Article 4 of the Law for the Restoration of the Professional Civil Service of April 7, 1933, provided as follows: "Officials who because of their previous political activity do not offer security that they will exert themselves for the national state without reservations, may be discharged." This provision hit the judges who were known republicans and liberals. Furthermore, judges who had entered the service since November 9, 1918 (establishment of the republic), or who were Jewish or part Jewish, were to be dismissed. A very small number of judges were dismissed on the basis of this law because the judicial career had been a stronghold of reaction before 1918, and the republic had left its enemies in office. However, the real effect of the law was to induce the judges to submit completely to the dictates of the government and the ideas of National Socialism.

On May 22, 1933, Reich Law Leader Frank declared that the "national government will strictly adhere in future to judicial independence. Independence will never become again a tool of disintegration of the German people because the disintegrators are removed." This showed the judges that they had to accept their complete subordination to the government. Article 71 of the Civil Service Law of January 26, 1937, provides that officials, including judges, may be dismissed if they are politically unreliable. That law was not an emergency decree but provides for the permanent organization and rights and duties of German officials, including judges. On April 26, 1942, the Leader re-

affirmed his authority to dismiss judges who pass too mild sentences. The mere fact that judges are considered as officials throws an interesting light on the conception of the judicial function in the Nazi system. The judge is tied in many ways to the regime. He swears an oath of allegiance and fidelity to the person of the Leader. The judge is thus linked to the person of the Leader rather than to the law as an independent moral category. "The judge is just as much bound to the person of the Leader as any other civil servant."<sup>7</sup>

Every judge must be a member of the League of National Socialist German Jurists, an organization which is affiliated with the Nazi party. It is headed by the Reich Law Leader of the Nazi party. The purpose of the League is to see to it that all jurists, lawyers, judges, and law teachers think and act along strictly Nazi lines.

The authority and position of the judge with regard to the government have thus been enormously weakened. As a compensation, his power over the individual has been greatly enhanced. Under the rule of law a judge may only rely on the law, and on nothing else, whether that law be statute law or case law. Under the Nazi system this has changed. The most important sources of law are the laws, edicts, regulations, decrees, and statutes passed by the Leader. Next in the hierarchy of legal sources come *Mein Kampf* and writings or speeches by the Leader. Next are the laws and decrees passed by high government authorities other than the Leader. Next come the existing laws in so far as they are compatible with the principles of Nazism.

However, the judge must also act if there is no legal pro-

<sup>7</sup> Koettgen, "Vom Deutschen Staatleben," *op. cit.*, p. 133. See also Lothar Schoene, "Richter und Rechtspflege im neuen Staat," *Archiv des oeffentlichen Rechts*, 25 (1934), 265-90; Adolf Lobe, "Das richterliche Pruefungsrecht und die Entwicklung der gesetzgebenden Gewalt im neuen Staate," *ibid.*, 28 (1937), 194-220, Franz Wieacker, "Richtermacht und privates Rechtsverhaeltnis," *ibid.*, 29 (1938), 1-39, Rudolf Oeschey, "Rechtsgestaltung durch Richterspruch," *ibid.*, pp. 40-57.

vision of any sort which makes a specific type of conduct punishable. In that case he is obliged, under law, to search for the sound racial feeling, and he must punish the act if it contravenes and offends sound racial feeling. As the Reich Law Leader admonished the judges in their 1936 conference: "There is no independence of law against National Socialism. Say to yourselves at every decision which you make: How would the Leader decide in my place? In every decision to which you are obliged ask yourselves: Is this decision compatible with the National Socialist conscience of the German people? Then you will have a firm, iron foundation which, allied with the unity of the National Socialist People's State and with your recognition of the eternal nature of the Leader's will of Adolf Hitler, will endow your own sphere of decision with the authority of the Third Reich, and this for all time." The judges are thus forced to disregard existing law whenever acts are committed which, though not covered by law, violate Nazi views.

This burden imposed on the judges has greatly increased their sense of insecurity, because they are often at a loss as to whether a particular action under adjudication actually violates the sound racial feelings or not. This uncertainty is therefore cleverly planted in the minds of the judges. They will, in borderline cases, be anxious to be more Nazi than the Nazis themselves. It has often happened, in fact, in the history of the courts since 1933 that they have sacrificed legal guarantees and remedies even before they were officially required by statutory provision to do so. This pressure operates on the judges much more subtly and effectively than if they had to submit each doubtful case to the Ministry of Justice before the opening of the trial. However, it is not known whether as many as ten judges in the whole Reich have voluntarily resigned since the installation of the Nazi regime. Even judges who are aware that they are powerless to protect citizens against arbitrariness have stayed on.

Civic courage is a quality which, as Bismarck long ago remarked, is rare indeed in Germany.

This aspect of judicial function has been increasingly strengthened in the last few years in Germany, where in the field of criminal law especially, the person of the malefactor rather than the misdeed has become the center of judicial attention. Modern legal systems punish persons for specific actions rather than for their character. It is the action rather than the character of the person which is punished by law. Nazi criminal law, on the other hand, has continually shifted the core of criminality from the criminal offense to the criminal himself. The judge has to weigh not so much whether a specific act can be subsumed under a criminal statute (*Tattypisierung*), but whether the accused can be subsumed, as far as his character is concerned, under a particular type of criminal (*Taetertypisierung*). A leading Nazi jurist admits that the law gives the judge little help in evaluating the personality of the accused.<sup>8</sup> There again he must ask himself how the Leader would have evaluated the accused at bar. Such types of criminals are the habitual criminal, the sex criminal, the people's parasite (*Volksschaedling*, who commits thefts in blackouts or violates economic war measures), the brutal criminal, and the like. In many of these cases the sentence for the same offense is either a prison term, hard labor, or the death penalty, depending upon the evaluation of the personality of the accused by the judge.

On June 20, 1942, this new turn toward the concept of the type criminal found its most sweeping realization in a policy designed to weed out all "antisocial elements" from the German people. The "antisocial" are officially characterized as individuals who, because of criminal, anti-State, or querulous inclinations, continually enter into conflict with the penal law, the police, or

<sup>8</sup> A. Graf zu Dohna, "Die Macht des Richters," *Das Reich*, February 16, 1941. See also Werner Braun, *Die Bedeutung der subjektiven Unrechtslemente fuer das System eines Willensstrafrechts* (Leipziger rechtswissenschaftliche Studien, ed. by University of Leipzig Law Faculty, No. 97, Leipzig, 1936).

other authorities. This classification also includes the annuity hunter, loath to do any kind of work, the insurance sponger, or whoever tries to burden the community with his upkeep and that of his children; or whoever is particularly uneconomical and uncontrolled, lacks a sense of responsibility, and is unable to run an orderly household or to raise children to become useful citizens. Finally, the category of antisocial elements also includes drunkards who spend a considerable part of their wages on alcohol and endanger their families, and persons who stand outside the national community by their immoral life or earn their living by it. Systematic roundups of such persons have since been started. The description of offenses is broad enough to include political opponents, drunkards, and uneconomical people. No judicial authority is dealing with them. Local committees headed by party leaders designate such persons, who are subject to three methods of civic improvement: they are either being sent to "institutes of welfare," to forced labor, or to labor "education camps" of the police. Although issued in time of war, this addition to Nazi criminal law is not limited for the duration but is planned as a permanent measure.

The political background of this shift from the misdeed to the wrongdoer is obvious. While modern criminology has given more and more weight to the consideration of the social background which conditions crime and criminals, Nazi penal theory and practice emphasize the view that in a society which is nearly perfect, as the Nazi one is, crime can be only the outcome of depraved personalities who are unwilling to submit to the leadership of Nazism. Just as the position of those who carry out the law, such as officials and judges, has been made a personal relationship between them and the Leader, so the person who violates the law is held to have challenged the Leader personally rather than an abstraction called the law or an abstraction called society. This is why the personality of the wrongdoer becomes the dominant element in criminal law and criminal adjudica-

tion. The wrongdoer must know that in violating the law he violates the sanctity of the Leader from whom all law emanates.

This conception of criminal law also explains why the number of severe penalties, including the death penalty, has been enormously increased under the Nazi regime. New crimes for which the death penalty is mandatory are the following: betrayal of state secrets; treasonable conspiracy for the creation of serious disadvantages for the Reich; kidnapping; economic sabotage; highway robbery through automobile traps; espionage; insurrectional plots; theft and burglary in areas under military law; the damaging of the power of resistance of the German people through committing a grave crime; acts of violence perpetrated with a weapon; theft of metal pieces from public scrap collections. In a number of other new crimes the death penalty has been set as an alternative to less drastic penalties: a few examples are listening in to foreign broadcasting, undermining of military strength of the nation, and several types of black-market operations in time of war.

It will be noticed that many of the crimes for which the death penalty is provided are defined only very vaguely by law. The purpose is to give the judge the discretionary power to fill in the gaps of statutory definition with his evaluation of the personality of the accused in conformity with sound racial, or Nazi, feeling. In those cases in which the death penalty is mandatory, the task of the judge is relatively simpler. In all instances where the death penalty is provided for it is inflicted not only on the perpetrator but also on the accessory. Finally, the attempt, though unsuccessful, to commit any of the listed crimes makes the person liable to the death penalty because of the intent which expresses itself in the attempted crime. "More than any other judge the judge in criminal court must have assimilated the National Socialist philosophy," a Nazi public prosecutor admonished the criminal judges in 1934. "The idea of humaneness," he continued, "cannot be the guiding idea of criminal adjudication."

cation: it is a degenerate manifestation of it.”<sup>9</sup> The judges apparently have taken this admonition to their hearts. The proportion of acquittals in cases dealt with by the regular criminal courts dropped from 13 per cent of all cases in 1932 to only 7 per cent in 1940.

### *New Nazi Tribunals*

Despite all the pressure on the judges and the severity of the laws which they have to apply, the Nazi rulers have, from the beginning, added new judicial institutions to the existing system of courts in Germany. The bulk of the judges were solidly anti-republican and, on the whole, in sympathy with the militarist aims of the Nazis. But it was difficult for many of them, trained as they were in a regime of legality, not only to act in behalf of organized brutality but also to believe in it wholeheartedly. Despite all the outward demonstrations of super-Nazism on the part of the judges, who often anticipate in their decisions new statutory encroachments on the legal protection of the public, the Nazi rulers have never been quite satisfied with the existing organization of the judicial authorities. The common element of all these new structural reforms is the replacement of judges and trained lawyers by well-tested Nazi fighters.

As a consequence of the regimentation of economic life, courts have been called into existence which deal with disputes arising among members of the same trade or profession. Such professional courts exist, for instance, for journalists, lawyers, doctors, artisans. The most important of these special courts is the “social court of honor” which covers disputes between employers and employees. The judicial and coercive powers of these trade and professional organizations are different from those in democratic countries in so far as membership is compulsory and the

<sup>9</sup> Dr. Karl Krug, “Vom Weltbild des Strafrichters,” *Deutsche Juristenzeitung* (Berlin), April 1, 1934.

rules and powers of the organizations are not made by the members but imposed upon them in accordance with the leadership principle. The jurisdiction of these courts is no more an expression of the rule of law than that of the other types of courts.

Another kind of special court is the "hereditary health" court, which deals with matters of sterilization of persons afflicted with serious and dangerous hereditary diseases. Such persons have been put to death by the Gestapo in a national campaign to eliminate the unfit from Germany through the *Gnadentod* (mercy killings). Persons of all ages, from children to the aged, were hit by this campaign, which began on a large scale in the fall of 1940. The relatives usually receive the notice of the death of a person together with the victim's ashes. The Vatican officially protested against these mercy killings on December 6, 1940, but without avail. No exact figures are obtainable, of course, but responsible American correspondents like Shirer or Deuel put the number at many thousands.

The Nazi party, as was noted above, has its own system of courts which is completely separate from the interference of state authorities and is subject to the authority of the Leader, who appoints the supreme party judge.

Likewise military courts were re-established on May 12, 1933. They had existed until 1918, were abolished by the republic as antidemocratic, and were duly brought back into life by the Nazi government. The military courts deal with all punishable acts committed by members of the armed forces and of civilian employees of the armed forces.

The most important special court is the "people's court" (*Volksgerichtshof*). It was established on April 24, 1934, by the Leader, who also appoints the members of the court. According to the law itself, the majority of the members do not require legal training, let alone judicial experience for appointment. In the middle of 1940, for instance, the members were four officers of the fighting forces, three SS leaders, one general of the police,

two civil servants, one high school teacher. Its function is to deal with cases involving "high treason and treason against the Reich." Until 1934 cases of treason fell into the jurisdiction of the *Reichsgericht*, Germany's supreme court. It is noteworthy that high treason now embraces not only offenses against the Reich but also activities directed against Nazi ideas or organizations. The main qualification for appointment is to have had "special experience in the field of fighting subversive activities."<sup>10</sup> The primary reason for the creation of this special court for political opponents, who are now all classified as traitors to their country, was the failure of the ordinary courts to comply with the wishes of the government in all instances. This was notably the case in the Reichstag fire trial of March, 1934, when the *Reichsgericht* in Leipzig acquitted not only Torgler, parliamentary chairman of the German Communist party, but also several foreign Communists.

Prime Minister Goering, who appeared before the court as witness for the prosecution, addressed Dimitrov, one of the men accused, in the following words: "You crook, you belong on the gallows! You will be sorry yet if I catch you when you come out of prison." This was early in the Nazi regime. The supreme court held that it had to acquit when all the evidence pointed to the guilt of the Nazi leaders rather than to that of the accused Communists. But the Leader had learned his lesson, and only a month later the "people's court" was instituted.

The president of the court felt it necessary, in an interview granted to the *Voelkischer Beobachter*, the official party paper, on December 6, 1940, to point out that "there is nothing of a 'bloody tribunal' about ourselves here." However, he admitted that he knew in what mystery the court was shrouded in the eyes of the public. No statistics are ever published about the activities of the court, and the president merely stated that of all accused

<sup>10</sup> Otto Meissner and Georg Kaisenberg, *Staats- und Verwaltungsrecht im Dritten Reich* (Berlin, 1935), p. 296.

"only 4 per cent were put to death." This is one of the cases where the German ability to express everything in exact figures lapses. Likewise, no figures of the death penalties imposed by the regular courts or carried out by the Gestapo without trial are ever published.

For minor political crimes so-called *Sondergerichte* were established on March 21, 1933. It is interesting that the name merely suggests that they are "special courts" without any further characterization of their purpose. They are established all over the Reich in the district of each superior court (*Oberlandesgericht*).

It may be asked why the Nazi government has gone to the trouble of establishing special courts for dealing with anti-Nazis and of having even the regular courts deal with political crimes when the Gestapo can do a much better and quicker job of it. The answer is this. Whenever the Nazis wish to stage a big propaganda campaign they hand over an accused person to the regular courts or to the special courts. Thus it would have been easy for the Gestapo to murder Torgler, Dimitrov, and the other accused Communists charged with the responsibility for the Reichstag fire in 1933. Many other anti-Nazis had already been killed by the Gestapo by that time without charge or trial. But the Nazis expected that their fake charges would convince the German people that the Communists actually had plotted violence and plunder, and that it was only due to the gallant intervention of the fearless Nazi knights that the German people was saved from ruination.

This was the first time in which the propaganda purpose was wasted because at that time the court still had the courage to acquit when it could not find the shadow of proof in the evidence framed by the Nazi witnesses. The only other famous case in which a court dared to spoil the propaganda effects planned by the Nazis was the Niemoeller case in February, 1938. He was acquitted, but on leaving the courtroom, he was imme-

dately seized by the Gestapo and sent to a concentration camp. He still is in a camp. Similarly, the Gestapo got hold of Torgler in the Reichstag fire trial after his acquittal. Apart from these two cases there are no notable instances known in which the schemes of the propaganda ministry to work through court procedure were foiled by courageous judges. In 1935 and 1936 mass trials against Catholic priests, nuns, and laymen accused of illegal transfer of funds abroad and of immorality were held after the case had been built up for months as front-page news in the German papers. The details about the alleged immorality of Catholic priests supplied especially good propaganda material which Dr. Goebbels could not waste by simply turning over such a case to the Gestapo.

There is a second main reason why political trials are still held at all by the ordinary and the various special courts. A trial reported in the papers and talked about by the public has the effect of spreading more fear and terror than the secret murder of a person by the Gestapo. Only the relatives of the victim, his friends, and a few persons inside the Gestapo know about it. Therefore trials must continue in order to spread on the internal front fear of the striking force of the regime.

In countries occupied and administered by Germany the Gestapo is the sole agency doing away with anti-Nazis. The German officials who first enter conquered territory always include high Gestapo functionaries who have the lists of known anti-Nazis all ready for action. In Bohemia-Moravia and in the Polish Government General, German special courts function as in Germany proper, because these territories are claimed by the Reich to be under German sovereignty.

#### *Collective Responsibility and Punishment*

German law and the administration of justice have undergone another reform which is of interest to the student of law and politics. The principle of collective responsibility has been

introduced into the field of criminal law. From the beginning of the Nazi regime the principle of collective responsibility was enforced for political acts of an anti-Nazi character. The numerous imprisonments immediately after the Reichstag fire in February, 1933, were officially based on the theory that leaders who could not individually be charged with specific criminal acts nevertheless were collectively responsible for the alleged crimes of Communists or socialists. Ernst Thaelmann, leader of the Communist party, was among those first imprisoned after the accession of the Nazis to power in 1933. He has never been charged with any specific criminal act, and no trial has been held or is likely to be held.

Likewise, the family as a collective unit is held responsible for acts of each of its members. For civil servants this collective responsibility is laid down by law. Section 3 of Article 3 of the Civil Service Law of January 26, 1937, provides that civil servants are responsible for dishonorable actions on the part of members of their households. Civil servants are also under a legal obligation to report to their superiors all anti-Nazi activities of which they have knowledge; this duty also includes information gained outside official work.

But even when this legal responsibility of the family collective is not laid down by law, it has been applied all the time since 1933. There are special concentration camps for women. Many of the inmates are kept there not because of personal activities but as punishment for alleged misdeeds of their husbands. Many of these women bring along with them their babies. In the spring of 1934, Gerhart Seger, former member of the Reichstag, managed to escape to Czechoslovakia from the notorious Oranienburg concentration camp. His young wife and nineteen-month-old baby were at once seized and sent to a concentration camp. Only the pressure of members of the British Parliament, which at that time still made some impression on the German government, saved the wife and baby after some months. But

this represented a notable exception which confirmed the rule, and in any case the stock of the British Parliament went down sharply in the eyes of the Nazi leaders after 1934.

Family responsibility includes, of course, more than the members of the immediate family, but the concept of family for this purpose is elastic. It is determined in each case how far pressure and blackmail against family members of greater or lesser degree of proximity would achieve the desired purpose of striking terror into the hearts of would-be anti-Nazis. Thus, for instance, mothers-in-law would hardly be included in the orbit of family responsibility, as this might have the effect, on account of the traditional position of the mother-in-law in Germany, of inciting would-be anti-Nazis to action rather than deter them.

The principle of collective responsibility which was first employed after the mass arrests in the spring of 1933, was applied on several occasions since then. In the party purge of June 30, 1934, several hundred Nazi leaders and other prominent personalities were killed without trial by the Leader's Elite Guards at his personal command. There was no question of individual responsibility for hundreds of the victims. One, a music critic, was shot because his name, Willi Schmitt, unfortunately happened to be the same as that of a Nazi leader who was on the death list.

On February 4, 1936, the head of the German Nazis in Switzerland was murdered. This was immediately followed in Germany by mass arrests and deportation to concentration camps of potential anti-Nazis.

On November 7, 1938, vom Rath, third secretary of the German embassy in Paris, was shot at by a seventeen-year-old Jewish boy of Polish nationality. The youth was desperate because of the deportation of his parents from Germany where they had resided for many years. Two days later vom Rath died. During the following days and weeks the principle of collective responsibility was applied on an unprecedented scale. First,

pogroms against Jews were organized by the Elite Guards and Storm Troopers. Thousands of Jews were killed. Hardly a synagogue was omitted in the campaign of arson against all Jewish houses of worship. Tens of thousands of male Jews and several thousand women were shipped off to concentration camps. On November 12, a collective fine of four hundred million dollars was imposed on the Jews. The costs to the businesses and buildings resulting from these organized pogroms were to be borne by the victims. The immense sum, coupled with other legal provisions, has made it impossible since that time for Jews to earn a livelihood of any sort in Germany. On May 28, 1942, 258 Jews were put to death in Berlin by the Elite Guards and Gestapo. Bombs were alleged to have been found in an anti-Bolshevist exhibition in central Berlin. The Gestapo claimed that the bombs had been planted by some "Jewish conspirators," although Jews have to wear the Star of David conspicuously on their clothes and are barred from that particular section of Berlin.

Another application of collective responsibility on a mass scale occurred after November 9, 1939, when a bomb exploded in the Munich Beer Hall shortly after the Leader had left. Although, for propaganda reasons, the British government was officially charged with the responsibility for the bomb, a campaign of terror and arrests on the home front followed the unsuccessful plot.

Finally, two more recent illustrations of collective responsibility may be cited.

Since the late summer of 1941 collective responsibility has been applied with particular vehemence in the occupied countries of Europe. The indomitable spirit of free men resists the conquerors from Narvik to Warsaw. The rate of exchange per German soldier or Gestapo man who is killed varies according to the country and the importance of the victim. Ordinarily, one killed German is worth from twenty-five to a hundred victims in France or in Western or Northern Europe. For peoples whom

the Nazis consider inferior, the rate goes up to from two hundred to four hundred victims. This is the usual rate of exchange in Poland and Yugoslavia.

When the Gestapo leader and deputy "Protector" of Bohemia-Moravia, Heydrich, was shot at on May 27, 1942, mass killings started at once, even before the "hangman," as he was known all over Europe, died. After his death the killings of innocents as a reprisal measure of collective responsibility increased. Within three weeks of his death not less than 508 persons were officially reported by German authorities to have been executed. It was noticeable that a number of artists, writers, professors, and intellectuals were among the executed so as to strike more effectively at the core of spiritual resistance.

On June 10, 1942, the Berlin radio announced that the Czech township of Lidice, not far from Prague, had been wiped off the earth. Even the name of the community was extinguished on the map. All male inhabitants, according to the official German report, were shot, all women sent to concentration camps, and the children placed in "educational institutions." The total population was about 800. Early in July, 1942, a community in the vicinity of Chicago decided to adopt the name of Lidice in memory of the martyrdom of Lidice, Czechoslovakia. Lidice, Illinois, will permanently commemorate the common cause for which the American and Czech peoples have been fighting together in two world wars, the cause of Lincoln and Masaryk.

Whole villages have also been wiped out in Poland, Norway, and Yugoslavia, where guerrilla warfare has never ceased since the conquest in April, 1941. But the extermination of Lidice was different both because it was a punishment for a political act and also because of the manner in which it was carried out and officially reported by the Germans. The name of Lidice will stand as a symbol of German contribution to law long after the name of Heydrich and his fellow hangmen will be forgotten.

In fairness to the Nazis it might be said that the expres-

sions of surprise in the "hypocritical" democracies after the application of collective responsibility in non-German countries is hard to understand. After all, the Nazis had been practicing that principle on their own citizens for six years before they had a chance to employ it on defenseless non-German populations. Yet the governments of the western nations continued to kowtow to the German government for years. Surely it was not unreasonable, a Nazi might observe, for his government to be no more generous to foreigners than to its own citizens.

### *The Legal Status of the Jews*

The lowest position of the legal structure of German society is assigned to the Jews. German law defines a Jew as a person with at least three Jewish grandparents, or one who, while having only two Jewish grandparents, either professes the Jewish religion or is married to a person legally considered as Jewish.

In the light of available historical records Jews have been settlers in Germany as early as the fourth century. Their status of inequality in Germany has been merely a small part of the feudal and autocratic traditions of German politics. The defeat of Prussian militarism at the hands of the French revolutionaries after 1794 brought to the German Jews their first and only period of civic equality. The Rhineland, Baden, and Hesse granted equality to the Jews in 1808, Prussia in 1812, the North German Confederation in 1869, and the new German Reich in 1871.

But even in the "modern" and "constitutional" form of government under the Second Reich this equality often remained on paper. The feudal character of the actual status of inequality was reflected in the fact that one career was almost wholly closed to Jews: the German army. Likewise, the bureaucracy, the other pillar of autocratic domination over the people, was practically closed to Jews.

Under the Second Reich, Germany was the only country in

Europe which had parliamentary parties which officially called themselves anti-Semitic: the "German-Social Anti-Semitic Party," and the "General German Anti-Semitic Union." A third party, the "Christian-Social Party," was anti-Semitic in its main objective although not carrying the aim in its title. These parties had representatives in the Reichstag and in the state parliaments. Although they were not very strong numerically, their very existence pointed to peculiar German conditions. In addition, it might be generally said that the conservative, militaristic, and imperialistic parties, although not adopting anti-Semitism as their main objective, were definitely anti-Semitic. At that time the imperialists were preaching the doctrines of the German master race that entitled the Germans to rule the world. The Jews were not the only ones considered inferior to that master race. The French, British, and all the other nations were decadent and inferior to the Germans. The attack against the Jews inside Germany was to sharpen in the minds of the Germans the sense of their superiority over all other nations.

In the Weimar Republic the Jews had for a short period of fourteen years the only period of genuine equality of status in Germany. But even under the republic the old enemies of the democratic idea in Germany—the imperialists, militarists, and industrialists—continued the traditional campaign against the Jews. They were held responsible for the coming of the first World War, for the defeat of Germany, for the Versailles Treaty, for the world depression, and for German unemployment. Before the Nazis came to power they publicly announced that they would force the Jews into a status which would make life in Germany intolerable for them. Most people at the time, including most German Jews, dismissed that Nazi objective as propaganda which could never become reality because this was, after all, the twentieth century.

After the Nazis were in office, the promised anti-Jewish legislation was the first policy translated from promise into reality.

Large armies had to be built up for the destruction of inferior nations, such as the French, British, Americans, and Russians. For the destruction of the Jews the available storm troopers and Gestapo were enough. The law of April 7, 1933, provided for the dismissal of all Jews employed by national, state, municipal, or other public bodies under the control or supervision of governmental authorities. A temporary exception was made for Jews who had fought in the German army at the front or whose fathers or sons had died fighting for Germany in the first World War.

Only two years later even this exception was abolished. The decree of November 14, 1935, provided that all Jewish employees of governmental or semigovernmental bodies should be dismissed regardless of whether they fought on the front in the war or whether they lost fathers or sons fighting for Germany during the War of 1914-18.

The professions were also dealt with quickly in 1933. Lawyers, doctors, dentists, pharmacists, teachers, journalists, and artists were eliminated from their positions, although the exceptions for military service in the first World War or for loss of father or sons fighting for Germany were made. But since the fall of 1938 all professions have been closed to Jews. The educational institutions of the Reich, from the grade school to the university, are closed to Jews. A few Jewish doctors have been allowed to treat only Jewish patients. But they have no access to hospitals and other medical institutions in their communities. Even their status as doctors has been obliterated and replaced by the new official classification as *Heilpraktiker* (cure practitioners).

The citizenship law of September 15, 1935, deprived all German Jews of their German citizenship. The law created two categories of subjects: first, Reich citizens (*Reichsbuerger*) with full political status; second, Reich subjects (*Reichsangehoerige*) without such political status. The Jews were assigned to the second category because only Germans or persons of "racially related

blood" can be Reich citizens. Deprived of their citizenship, Jews were also declared unfit to serve in the Germany army, symbol of German race and honor. Jews are also prohibited from hoisting the German flag or the national colors. Non-Aryans, that is, persons who have one Jewish grandparent, are obliged to serve in the army, but are precluded by law from any rank above that of private. Naturally, Jews are also deprived, by provision of the same citizenship law, of the right to vote for the German Reichstag.

Jews are not the only ones who have been assigned the status of mere Reich subjects (*Reichsangehoerige*) in Greater Germany. In his proclamation of March 16, 1939, the Leader decreed that in the Protectorate of Bohemia-Moravia the inhabitants would be divided into two classes: the Germans would be Reich citizens (*Reichsbuerger*), whereas the "remaining inhabitants" (legal term referring to the seven million Czechs) would be only subjects of the Protectorate. Like the Jews, the Czechs are under the complete sovereignty of the Reich, are not citizens, are excluded from service in the army, and have none of the political rights which German citizens possess. The same provisions with regard to citizenship are also applied to the twenty million Poles living under German domination. They are, again like the Jews, subjects but not citizens of the Reich. Only the small group of *Volksdeutsche* (former Polish citizens of German descent) are German citizens.

The legal classification of German Jews as a foreign "race" was carried still further by the decree of August 17, 1938. It provided that newly born Jews would have to be given first names from a list which was compiled by the Ministry of the Interior. These names are all Biblical names, mostly from the Old Testament. The compulsory adoption of Biblical names was meant to degrade the Jews in the eyes of the Christian German population. Jews who were born before the issuance of the decree were

obliged to adopt as the first name "Israel" if male, and the name of "Sara" if female.

At the same time all Jews over three months of age were given identification cards. Jewish persons over the age of fifteen have to carry these cards at all times with them. Whenever they address a state or party official they have to show first their identification cards indicating their status as Jews. Ordinarily a German official knows when a Jew addresses him because Jews are forbidden to enter an office or greet with the shout of "Heil Hitler." A decree of the Ministry of the Interior of July 13, 1933, ordered the compulsory use of "Heil Hitler" as the new "German greeting" in all state and party offices. Only Jews are exempt from this order and, in fact, are forbidden to obey it.

On October 5, 1938, all Jews who had passports had to turn them in to the police authorities. From that time on, only Jews who were allowed to emigrate permanently received a passport which was marked with a big letter "J" for *Jude* (Jew).

On September 6, 1941, the branding of the German Jews as an outcast group was accentuated by a new law. All Jews, male or female, over six years of age were ordered to wear a large yellow "Star of David" with the black inscription "Jew." A decree of October 12, 1941, specified that Jews must wear the yellow badge with the inscription "Jew" over their hearts and not on the left side as before, because the former place is the most conspicuous spot on a coat or jacket. A Swedish newspaper reported shortly thereafter that two hundred Jewish suicides occurred in the first four weeks after the promulgation of this new decree.<sup>11</sup> The size of the badge was determined by law as the size of the palm of one's hand. The yellow color was chosen because in the medieval German ghetto the Jews had to wear a yellow badge.

The citizenship law of September 15, 1935, affected the position of the Jews not only as citizens but also as individuals. Jews were forbidden to marry Germans or persons of "racially related"

<sup>11</sup> *The New York Times*, October 13, 1941.

blood. With German thoroughness, the position of half- and quarter-Jews has been settled in the following manner: half-Jews (i.e., persons having two Jewish grandparents) may marry Jews, but need special permission of the Ministry of the Interior if they wish to marry Germans or persons of racially related blood. Quarter-Jews (i.e., persons with one Jewish grandparent) are forbidden to marry Jews and are allowed to marry only persons of pure German blood. Whereas before 1933 quarter-Jews, like other German citizens, could marry Jews, Nazi legislation now forces them to "defile" the purity of German blood.

Even before the citizenship and racial laws of September, 1935, Jews were not allowed to marry "pure" Germans although no laws to that effect were passed as yet. Similarly, in 1934 German courts were already granting non-Jewish partners in intermarriage the right to dissolve the marriage because the "Aryan" party in the marriage, regardless of when it was entered into, "would not have concluded such a marriage if he (or she) had had at the time of the marriage the racial consciousness which the National Socialist Revolution would have given him." This is not the language of Streicher or Goebbels, but of a superior German court.<sup>12</sup>

The anti-Jewish legislation was never confined to merely reducing the Jewish population to outcasts of society. From the beginning of the Nazi regime the aim was the destruction of economic opportunities of any kind for the Jews. As early as April, 1933, the economic elimination of Jews began. Many Jewish enterprises were "Aryanized," that is, taken away from their Jewish owners and handed over to competitors who had good connections with party officials. Jews were excluded from the management of joint-stock companies, banks, and all economic enterprises which were in any way connected with, or directly controlled by, public agencies. Furthermore, and this was the hardest restriction, Jews could not, from the very first, be mem-

<sup>12</sup> *Juristische Wochenschrift*, March 2, 1934.

bers of the "German Labor Front" to which all wage earners automatically belong. Thus most Jewish employees lost their jobs very soon.

The final measures of an economic character against the Jews came in 1938. On April 26, 1938, a law was passed requiring all Jews to declare their property if it was over five thousand marks (\$2,000), regardless of the amount of liabilities which the declarant had to meet out of his property. On November 7, 1938, as we have previously noted, a young Polish Jew shot at the third secretary in the German embassy in Paris. On the following three days Germany witnessed pogroms as had never happened in the darkest days of Jewish history. The whole male Jewish population between fifteen and seventy was sent to concentration camps. Thousands of Jews lost their lives. Most of the Jews were released from the concentration camps several months later, especially if they could prove that a foreign country was willing to accept them as immigrants. Jewish houses and still existing businesses were pillaged and the premises damaged. On November 12, 1938, a fine of four hundred million dollars was imposed upon the Jews as a collective punishment for the crime committed by a Jewish youth of Polish nationality in Paris. This fine caused the total spoilation of all Jewish property in Germany, including Austria.

On November 12, 1938, another decree on the "elimination of Jews from German economic life" gave the final touch to their economic destruction. Jews had to give up all property, whether movables or real estate, except the most elementary household articles. They were barred from ownership, even in part, of any independent enterprise of any kind. They even had to sell goods on hand. Since January 1, 1939, the only economic opportunities left to Jews is employment by private or public enterprise if and when they are needed on account of the labor shortage. The Jews have had to surrender even such articles as typewriters, adding machines, electric household appliances, bin-

oculars, cameras, radios. The value of surrendered or confiscated Jewish property was "credited" toward the payment of the fine of four hundred million dollars. The German government has never publicly stated as to whether the confiscation of all Jewish property has met the four hundred million dollar mark.

Since the outbreak of the war in 1939 more and more of the remaining German Jews have been deported to the Jewish reservation established in the Lublin area in the Polish Government General. There they are left to their fate, doomed to certain death. Most of them have died there shortly after arrival. In February, 1941, ten thousand Jews were rounded up in the city of Vienna and were deported to Lublin. The deportees receive their orders from twelve to eighteen hours before the departure. They are permitted to take along with them only the clothes which they wear, one suitcase which can be carried in the hands, and ten marks (\$4.50). The furniture and other belongings which they leave behind are confiscated by the state.

Since the beginning of the war in September, 1939, the Jews have been deprived completely of some foods such as meats, fruits, and vegetables. They are allowed to shop only during certain hours. These hours are always set at a time when the stores may be presumed to be fairly empty of their stocks. If it were not for the humanity of those Germans who have not quite adopted the ideals of Streicher, the food privations alone would have annihilated the Jews.

The above account gives only a bare record of the main anti-Jewish laws on a national scale. Space forbids the mentioning of many, and varying, local laws and decrees which forbid the Jews the use of such public institutions as baths, park benches, libraries, museums, the frequenting of theaters, cinemas, restaurants, cafés, hotels.<sup>13</sup> On July 6, 1942, it was even decreed that Jews are forbidden henceforth to stroll along the streets at a

<sup>13</sup> See Fritz Markull, "Zur Durchfuehrung der Deutschen Gemeindeordnung," *Jahrbuch des oeffentlichen Rechts der Gegenwart*, 25 (1938), 111 ff.

leisurely pace. They must walk briskly, and must not walk in groups exceeding two persons. If Jewish cripples walk slowly with crutches the police have the duty to investigate whether they are genuine cripples. Likewise, the Jews are forbidden the use of public conveyances, such as streetcars, buses, subways, unless the distance they travel is more than four and one half miles.<sup>14</sup>

The position of the Jewish population in Germany has been extended to all Jews living in German-occupied countries. Of the 765,000 Jews in Germany (including Austria), only 255,000 are left. Most of them are old people or very young ones who could not emigrate. Of the 8,500,000 Jews who lived in 1933 in the countries now occupied by Germany, 600,000 managed to emigrate. Thus over 8,000,000 Jews, more than one half of the total Jewish population in the world, are living under the status legally first set for the German Jews. The longer the war goes on, the more intense the policy of outright physical extermination will be. On January 30, 1939, the Leader made the statement in the Reichstag that if the Jews started another world war, the result would not be the victory of Jewry but the "annihilation of the Jewish race in Europe."

A meeting of the Jewish World Congress, an organization representing a number of important Jewish organizations in many countries, was held in London early in July, 1942. The number of Jewish casualties in a deliberate campaign of mass extermination in Eastern Europe (Poland, the Baltic countries, and occupied areas of Russia) was estimated to be around one million since the outbreak of war in 1939. This mass slaughter was brought about not only by starvation and forced labor under dangerous conditions, but also by firing squads, bombs, and gas.

A study of these legal rules and regulations is important to the student of the Nazi state for two reasons: first, one of the main purposes of the anti-Jewish legislation in Germany is to demonstrate to all Germans what the government can do and

<sup>14</sup> *The New York Times*, July 8, 1942

will do against any group that it singles out for discrimination. The legislation against the Jews contains the implied threat that other groups—the Catholics, for instance—might be next on the list. For this reason also the acts of legislation or open terror against the Jews have been carried on in the fullest publicity that the government could command. This is to ensure the effective spreading of fear in the hearts of all groups which might be singled out for special discrimination.

There is still another aspect to the anti-Jewish violence inside Germany. Apart from the object lesson which it supplied to all Germans as to what could happen to them at any time, it provided a training ground for the would-be conquerors of the world. The storm troopers who were sent out in organized “expeditions” in November, 1938, to burn synagogues and loot Jewish homes and businesses were thus to receive their first practical lesson in Nazi methods of warfare. The behavior of the German army and the Gestapo in the conquered territories is a faithful copy of the methods employed first against the Jews inside Germany. The behavior of German officials especially in the lands of such “inferior” peoples as the Poles and Czechs merely repeated the acts of the same officials as storm troopers in their “war” against the Jews in Germany.

In addition to the importance which the anti-Jewish legislation in Germany has for an understanding of the situation of the whole German population and for the training of a class of practitioners of violence, there is another aspect which should not be overlooked. The treatment of the Jews in Germany as an “inferior” race foreshadows the position of all inferior peoples (and by definition all non-Germans are inferior) in a German new order for Europe or the whole world. Already it can be said that, broadly speaking, the Poles, Yugoslavs, and Czechs have been assimilated very largely to the status of the Jews. Like Jews, the Poles, for instance, have to wear a badge in Germany which bears the letter “P” for Pole in a large and conspicuous inscrip-

tion. In their civic, political, economic, and cultural rights the three peoples mentioned above, in the vanguard of Continental resistance to Nazism, have been very substantially adjusted to the position of the Jews in Germany. As yet the occupied countries in Western and Northern Europe have received a slightly milder treatment, but they, like the non-Jews in Germany, know now what the Nazi Government can do, if it so wishes, to another people.

England certainly knows that if she is conquered by the Nazis the ordeal of Poland would be mild in comparison to what would be meted out to her. Dr. Goebbels himself has stated in an editorial in the authoritative weekly *Das Reich* on February 16, 1941, that the Germans should think about the English in the same terms as they regard the Jews. The Germans used to be afraid, Dr. Goebbels says, of the power of the Jews. But the Nazis were able to prove that when they "got hold of the Jew, his alleged power proved to be a heap of ashes." The English, too, Dr. Goebbels promises, will be seized one day like the Jews "with a hard and rough hand," and then they will prove as weak as the Jews. "Not for nothing," Dr. Goebbels concludes, "are the English called the Jews among the Aryans." But what is threatened to the English is equally true of all the conquered peoples whose position has not yet fallen to that assigned to the Poles, Czechs and Yugoslavs—the position of the Jews in Germany and on the occupied Continent.

## *Chapter VI*

### Propaganda and Public Opinion

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An account of the political, administrative, and legal institutions would be incomplete without some analysis of propaganda as an integral part of the Nazi system. The Nazi theory of politics as a perpetual open or latent state of war against an enemy who must be totally annihilated finds its expression in a corresponding conception of propaganda. In a volume on psychological warfare, officially recommended by the German Society for War Policy and War Science, we read as follows about the basic nature of propaganda: "The struggle with psychological weapons knows no peace. It is the continuation of war or its preparation with other means. It is war in peace."<sup>1</sup> In its internal and foreign policies the Nazi regime has steadfastly adhered to this conception of propaganda as an essential piece of permanent war. As in other areas of political power and violence, propaganda and organized control of opinion are a monopoly of the Nazi regime.

#### *The Nazi Theory of Propaganda*

The Leader himself has given in *Mein Kampf* some of his main ideas on the subject of propaganda: "Like a woman, whose

<sup>1</sup> Felix Scherke and Ursula Countess Vitzthum, *Bibliographie der geistigen Kriegsführung* (Berlin, 1938), p. 11.

psychic feeling is influenced less by abstract reasoning than by an undefinable, sentimental longing for complementary strength, who will submit to the strong rather than dominate the weakling, thus the masses love the ruler rather than the suppliant, and inwardly they are far more satisfied by a doctrine that tolerates no rival than by the grant of liberal freedom; they often feel at a loss what to do with it, and even feel themselves deserted. They neither realize the impudence with which they are spiritually terrorized, nor the outrageous curtailment of their human liberties, for in no way does the illusion of this doctrine dawn on them. Thus they see only the inconsiderate force, the brutality and the aim of its manifestation to which they finally always submit." Propaganda, the Leader says, "has to appeal forever and only to the masses," and therefore "its spiritual level has to be screwed the lower, the greater the mass of people which one wants to attract." Only propaganda based on feelings will be successful, and this "is the best proof of whether a particular piece of propaganda is right or wrong, and not the successful satisfaction of a few scholars or 'aesthetic' languishing monkeys." Finally, the Leader's famous theory of the big lie: the great mass of people, the Leader says, "with the primitive simplicity of their minds will more easily fall victims to a great lie than to a small one, since they themselves perhaps also lie sometimes in little things, but would certainly still be too much ashamed of too great lies. . . . Just for this reason some part of the most impudent lie will remain and stick."<sup>2</sup>

These ideas of the Leader on propaganda are of great interest to the student of German politics. They are valuable not because the Leader contributes something new to the doctrine or practice of propaganda in general, but because he shows that he knows intimately the sentimental and traditional values which evoke a deep response in Germans. Propaganda can be effective

<sup>2</sup> *Mein Kampf*, pp. 56, 230, 232, 233, 313.

only if it satisfies attitudes, emotional patterns, and expectations of those whom it seeks to influence.

The Leader did not create the conditions of successful Nazi propaganda in 1926 when *Mein Kampf* was first published. At that time the Nazi movement was still very small and hardly noticed by the public. He merely described in *Mein Kampf* already existing conditions of favorable Nazi propaganda as far as the German people were concerned. At that time the Leader did not put forward a general theory of propaganda, as later students of *Mein Kampf* have assumed. The Leader was quite unfamiliar with foreign countries. The only foreign country that he had seen at that time was a portion of occupied France in the first World War when he was a corporal. Later, after 1933, the Leader went to foreign countries, never as a tourist, rarely as a visitor, most often as a conqueror. The ideas of *Mein Kampf* on propaganda are thus nothing but a description of some traits and traditions of Germany. The group of Germans who would respond favorably to appeals based on such traits and traditions need not comprise all Germans but enough of them so as to become socially effective.

How far would a propagandist get in the United States or Great Britain who would describe his people as follows: that they love totalitarianism rather than liberal freedom; that they will fall more for a big lie than for a little one? How far would propaganda based on these assumptions actually get in England or the United States? The Nazis and Bundists have tried it in the United States since 1933. They have dismally failed although they received some support from native Fascists and would-be Nazis. If American Fascism should ever become a considerable force, its propaganda will be exactly opposite from that of *Mein Kampf*: American Fascists will emphasize that no true-blooded American will stand for one-man rule, that the constitution is being continually violated. In short, unless American Fascists or Nazis successfully seize the American folklore of freedom and constitu-

tional government, they can never hope to sell their schemes to a considerable section of the American people.

The genius of the Nazi leaders, both the big Leader and the little leaders, consisted in their greater ability to analyze propagandistic potentialities of the German people. The love of the strong ruler, admiration of brute force, totalitarianism, and intolerance were viewed by the Nazi leaders not in the light of morality but of "circulation appeal," as a newsman would put it. The socialists and Communists were unable to assess the exact effectiveness of these traits in the German masses because their Marxist dogmas reduced all problems to oversimplified issues of class struggles. The few liberals who existed in Germany were unwilling to accept the fact that a literate people like the Germans should still have these traits and traditions in the twentieth century. Furthermore, they trusted that in the course of time education would take care of whatever regrettable remnants of prerepublican Germany might exist. The German nationalists and conservatives were aware of the existence of the forces and attitudes which the Leader described in *Mein Kampf*, but they belonged essentially to the prepopular and predemagogical system of politics.

The Nazis were the only ones who realized that the Leader's description of German attitudes was accurate. They also combined with that knowledge the realization that twentieth-century politics in a highly industrialized nation with some experience in republican government must, under any regime, be mass politics. The time when government could be based on the right of divine grace or prescription or birth was gone. The genius of the Nazi leaders consisted thus in forging a type of propaganda for the German people which combined traditional German attitudes and emotional values with the most up-to-date methods of twentieth-century technology and science. The very usurpation of nationalism and socialism for the name of the movement shows that its founders understood the folklore of Germany.

*Propaganda through Violence*

From the beginning, Nazi propaganda aimed not so much at persuading indifferent or hostile people, but sought to impress the masses with the display of ruthless brutality and vituperation. After the first World War no political party understood as well as the Nazis that millions of Germans were hungry for uniforms. The establishment of the Storm Troopers (SA) and Elite Guards (SS) served not only the practical purpose of spreading terror against opponents. It had also a double propagandistic purpose. First, it attracted many Germans into the ranks of the Nazis. Legally, Germany could not have an army of over 100,000. But the fun which the army used to provide was not quite lost. The Nazi military formations put men back into uniforms. Huge demonstrations of tens of thousands of men in uniform were almost as spectacular as the army parades of the good old times. Militarily those Nazi armies might have been laughed off by German and foreign observers as mere ersatz armies, but psychologically they filled the same need. The man who joined a Nazi military formation was again in a uniform; he knew where he "belonged."

Second, the terror and violence spread by the Nazi military formations were the best propaganda from the Nazi point of view. A nation that had been taught for generations to admire military strength, discipline, and obedience was bound to have millions of citizens even in a republic who would still admire the successes of violence. The acts of violence committed by Nazi storm troopers against opponents revolted many Germans, of course; but there were also millions who were joyful that a party had finally arisen that was doing things rather than simply talking. The Leader describes in *Mein Kampf* with great delight how the Nazi storm troopers broke the "terror" of the other parties, and how these actions of the storm troopers always increased the popularity of the party. Successful warfare of aggression had

made Bismarck a national hero. The Nazi leaders realized that as long as they could not make propaganda through violence against foreign enemies, the internal enemies would do. The Nazis therefore practiced this method of propaganda from 1920 to 1938 in Germany only. After the Germany Army was strong enough to attack foreign nations, successful warfare against them was to become an additional method of propaganda, both at home and abroad.

Propaganda by violence was carried on not only through the use of physical means, but also through a strategy of psychological terror. The Republic was called by the Nazis *das System* (the System) or, more frequently, *November-Verbrecher* (November criminals, because the Republic was proclaimed in November). Marxists were subhumans (*Untermenschen*) or else they were styled as *rote Mordpest* (red murder gang). The depravity of the Jews defied even the imaginative powers of Dr. Goebbels: "Call a Jew a scoundrel, blackguard, liar, criminal, assassin, and killer. This will hardly touch him. Look at him sharply and calmly for some time, and then tell him: 'You are a Jew.' "<sup>3</sup> This explains why in the Nazi propaganda opponents were called Jews.

First the game was played inside Germany. Ebert, the first president of the Republic was called a Jew, and so were Stresemann, Bruening, and many others. At times this label was changed into *Judensoeldling* (Jews' mercenary). Thus, for instance, Hindenburg or the Pope could hardly be attacked as Jews, but they were *Judensoeldlinge* or *verjudet* (under Jewish influence). The word "Communist" served the same purpose. Next in the ladder of vituperation came "liberal." The ideal combination was thus found in the description of a man as a "Jewish-Communist liberal." He did not have to be either of the three, but the Nazi propaganda inside Germany before and after 1933 was focused on such name calling which, whether western observers liked the fact or not, was effective in Germany.

<sup>3</sup> Dr. Joseph Goebbels, *Der Kampf um Berlin* (Munich, 1932), p. 177.

The same technique, of course, was later applied with regard to foreign propaganda. When President Roosevelt became Herr Rosenfeld or Rabbi Rosenfeld in the German press, when Premier Churchill became Comrade Churchill and Comrade Stalin became Lord Stalin, these methods were well tested in psychological warfare inside Germany for over fifteen years. On December 10, 1939, Baldur von Schirach, Reich Youth Leader and Governor of Vienna, said in a radio broadcast that the English were Jews. The English are the "Sons of Isaac," he asserted, and "Saxons" in "Anglo-Saxons" is merely an abbreviation of "Isaacsons." Dr. Goebbels, another well-known anthropologist, stated in his editorial in *Das Reich* of February 16, 1941, that "the English are called the Jews among the Aryans."

On March 13, 1933, a new Ministry of Popular Enlightenment and Propaganda was set up by the Leader. It has been headed, from the beginning, by Dr. Joseph Goebbels, propaganda chief of the Nazi party. The fact that the party head of propaganda became the cabinet minister for propaganda showed clearly that power over opinion was to become a strict monopoly of the Nazi party. The Propaganda Ministry is subdivided into the following sections: administration, propaganda, radio, press, film, theater, foreign, creative writing, classic art, music. Likewise, the University of Politics was put under the jurisdiction of the Ministry of Propaganda. The strict party character of propaganda is shown in its territorial organization. Its branch offices are not located in the capitals of the German states. Instead, the territorial pattern of the Nazi party subdivisions is employed. In each of the forty-five *Gaue* or provinces of the Reich there is a propaganda headquarters.

#### *The Press*

The censorship of the press is exercised in various ways. As to personnel, every editor, journalist, or contributor has to be a

member of the national press chamber. To be accepted, a member must have, according to law, "the qualifications required for the influencing of public opinion intellectually." Nothing must be published which, in the language of the law, "is able to weaken the strength of the German nation nationally or internationally, the will toward unity of the German nation, German defensive ability, German culture, or German business." Likewise, "the confusion of selfish interests with common interests in a manner misleading to the public" is a serious press offense.

Immediately after the accession of the Nazis to power a great epidemic spread among German papers which terminated the life of a large number of papers. In the four years from 1933 to 1937 the number of political newspapers dropped from 3,607 to 2,671. Among the papers that had to depart were some of the leading organs of democratic opinion, such as the *Berliner Tageblatt* and the *Vossische Zeitung*. Both had been great liberal papers of world reputation, enjoying probably more influence abroad than in Germany itself. The *Vossische Zeitung* had managed to exist for two hundred and thirty years, but the rejuvenating vigor of Nazism was too much for it. The third great German liberal paper, the *Frankfurter Zeitung*, was saved through the intervention of the Dye Trust (I. G. Farben) some of whose interests controlled the paper. The London correspondent of the *Frankfurter Zeitung*, Rudolf Kircher, became its editor. Before 1933 he had always been a pronounced Anglophile and liberal, but after 1933 he turned into a rabid Nazi.

The numerical decline of German papers does not tell the full story. Out of a total daily circulation of twenty-five million, two thirds belong to papers owned or controlled financially by the Nazi party or Nazi leaders. From 1932 to 1937 the circulation of the papers owned by the party or its leaders had increased twenty times.<sup>4</sup> The increase was due to the acquisition of new papers rather than to greater popularity of the old Nazi papers.

<sup>4</sup> *Das Reich* (Berlin), May 11, 1941.

This means that the number of the remaining papers not owned by Nazi leaders or the party has declined in absolute numbers as well as in circulation.

The only two papers in Germany which have increased in circulation are the *Voelkischer Beobachter* and *Der Stuermer*. The former is the official paper of the party, and is published daily in four editions in Berlin, Munich, Vienna, and Cologne. The Leader himself is financially interested in the company which publishes it. All state and party authorities have to subscribe to the *Voelkischer Beobachter*. Its circulation approximates half a million daily, a considerable figure in Germany. *Der Stuermer*, owned and operated by Julius Streicher, a former teacher, has the largest circulation in Germany, roughly 600,000. It is a weekly paper which specializes in obscene pictures and articles and in anti-Semitism. *Der Stuermer* is publicly exhibited, page by page, in most localities. Special show boxes, prominently arranged in the center of the smallest hamlet or village, give every German an opportunity to read it free of charge. Numerous issues have been so revolting on account of obscene pictures and stories that German post offices refused to mail those issues to foreign countries. It often devotes a complete issue of 16 to 24 pages to the crimes and other nefarious activities of a single Jewish malefactor. The subject of "racial pollution" (sex relations between Germans of "Aryan" blood and those less pure) is a favorite topic. However, it is not anti-Semitism so much as the morbid obscenity which sells the paper, especially to the young. Parents, teachers, and ministers are often shocked about the effect of this paper on young people. But the latter can claim that they fulfill a patriotic duty in reading about sex crimes in the most intimate detail because they acquire in this manner a better understanding of the enemies of the fatherland. There are, of course, obscene papers in other countries, but Germany is the only country in which such a paper is official. In large American cities municipal and police authorities stage occasional drives

against papers and magazines which are likely to corrupt the morals of youth. In Germany, *Der Stuermer* is official, and the police receive its weekly dose of enlightenment from it.

Selection of personnel and destruction of papers which one of the many leaders happens to dislike is not the only method of censorship. The selection and concoction of the "right" news is skillfully supplemented by the omission of news the knowledge of which might jeopardize the mental equilibrium of the members of the master race. Even before Nazism, German papers never considered the presentation of news as news as their main function. The habit of editorializing on the news page is very old in Germany. What is new is the suppression of news to an extent which is generally unknown abroad.

All papers receive daily handouts from the Ministry of Propaganda informing them what to publish, what to emphasize, and what to omit from the paper. Texts of statements and speeches made by other than German leaders virtually never gain publication in Germany. Benito Mussolini, the one-time leader of Italy, used to have a chance of publicity in German papers before he entered the war on Germany's side. Since then his reputation seems to have suffered a slight setback in Germany, and his utterances are no longer news. Practically all speeches of President Roosevelt and other American officials and party executives are not even mentioned in the German press. Occasionally, foreign statesmen are violently attacked for utterances which, however, are not reproduced.

After the German pogroms of November, 1938, public indignation in the United States ran high. The President, the Secretary of the Interior, Mr. Ickes, and the Mayor of New York City, Mr. La Guardia, and many other leaders of all parties expressed their feeling of horror about the misdeeds of the German Government. None of the statements were reprinted in the German press, but all three officials, and many others, were bitterly attacked in the German press for having said the most terrible

things about the Leader and the new Reich. It is no wonder that Mr. La Guardia is considered too strong meat for the German public. The expressions of horror in the United States about the shooting of hostages in German-controlled Europe during 1941 and 1942 were not reported in the German press. In fact, the German public is not informed about these mass assassinations of hostages.

However, it would be unfair to say that the United States is completely ignored by the German press under Nazism. Some papers which, in the opinion of the German press, represent the true views of the American people, were frequently cited until the entry of the United States into the war. These papers were, and are, the *Chicago Tribune*, the Hearst papers, and one or two other outstanding isolationist papers. Public speakers who were given extensive and favorable publicity were Mr. Charles A. Lindbergh, Senator Nye, and Father Coughlin. The picture of the United States which the German newspaper reader gained was roughly this: on the one hand is the American people, peace-loving and not interested in European affairs. The American papers and leading personalities mentioned above were represented in Germany as portraying the true state of mind of all Americans. On the other hand was a small band of Jewish plutocrats made up of Rabbi Rosenfeld, Jewish International Banker Joseph Pinchas Morganstern (generally known among his more intimate friends as J. P. Morgan), *et al.* who personally hated the Leader and therefore were trying to drag the peace-loving American people into war.

The Congress of the United States has received little publicity in Germany. The German public is not to be reminded that United States legislators have to work harder for their salaries than just heiling a little once or twice a year. Furthermore, the idea that opposition speakers could still attack the administration under the "plutocratic dictatorship" of the President would

have stirred up some memories in Germans who are old enough to remember pre-Nazi Germany.

All newspapers are attuned to the daily melodies played by Dr. Goebbels which paraphrase the themes of the political master composer, the Leader. The Nazis themselves make a definite distinction between the party press (*Parteipresse*) and the other papers. Since the decree of April 24, 1935, issued by the president of the Reich Press Chamber, nonparty papers have to give way to party organs in those areas in which an "unhealthy" competition of too many papers is declared to exist. As chance had it, the president of the Reich Press Chamber who issued this decree was none other than Max Amann, manager of all party papers and over one hundred publishing companies owned or controlled by the party. All party papers enjoy, according to law, tax exemption on real estate because the party is considered a corporation of public law. In advertising they are able to secure revenues both from private and public sources which are not so easily accessible to nonparty papers. Finally, pressure is brought to bear on all party and state officials to subscribe to the local party paper. The mass disappearances of nonparty papers occurred not in the big cities but in the small country towns. Of the papers published in big cities and known abroad, only the three Berlin papers, *Berliner Tageblatt*, *Vossische Zeitung*, and *Germania*, had to fold up in 1934, 1937, and 1938, respectively. The first two were liberal papers, and the third was the outstanding Catholic paper in Germany. It was not official suppression which forced these papers out. Annoyances of all sorts in a hostile political atmosphere brought about their premature end. Otherwise, the leading big papers were allowed to exist, under Nazi coloring, of course. Thus the *Frankfurter Zeitung* in Frankfort on the Main, the *Deutsche Allgemeine Zeitung* of Berlin, a conservative nationalist paper, and the *Koelnische Zeitung* of Cologne continued. These papers represent an asset to the German Foreign Office. They have been known and respected abroad. They therefore continue

to appear in a form which takes into consideration their reading public abroad. They do not represent the Nazism of the rowdy type à la Goebbels's *Angriff* or Streicher's *Stuermer* but represent the kind of Nazism which is made palatable for foreign businessmen and members of the best society circles. It is *salon* Nazism rather than that of the market place.

The total circulation of German papers has gone down enormously since the Nazis came to power. The papers still cater to different groups. Thus papers published in big industrial centers will be popular, and appeal primarily to working class readers. Other papers will appeal to the lower middle class. Finally, some papers are "class" papers rather than mass papers, and represent the old conservatives and nationalist-militarists within the general framework of Nazism. Naturally, the amount of space devoted to financial news will be larger in such papers than in the mass circulation press, where sport news and serialized novels will take a prominent place. Although Germany is now a *Volksgemeinschaft* (folk community) in which all are racial comrades, Mr. Krupp still continues to read a different paper from that of his men in the workshop.

However, this variety does not alter the fact that no paper can pull off any scoop or publish news or commentaries not to be found elsewhere. The decline of total circulation is thus due to two causes. First, people have been giving up the habit of reading more than one paper, since political news and editorial comments are officially prescribed. Second, many people have taken to the radio as the sole news source. The news is the same as in the papers, but at least it is shorter and with less comment. Also, the musical programs on the radio afford a relief which the papers do not have.

*Radio Propaganda*

The radio as a source of information is even more uniform than the papers. Before the establishment of the Nazi régime the German radio was already owned and operated by the national government. Including the Protectorate of Bohemia-Moravia and the annexed Polish and French territories, the Reich has now slightly over sixteen million sets. In absolute figures this number puts it in second place in the world, surpassed only by the United States with over thirty million sets. In terms of radio density, that is, the ratio of the number of sets to the number of households, the Reich occupies sixth place. It is still behind the United States, Sweden, Denmark, New Zealand, and Great Britain. The government receives substantial revenues from the radio listeners. Each owner of a set has to pay an annual tax of twenty-four marks. The total annual income thus amounts to about RM370,000,000, or over \$150,000,000.

A radio set in Germany is an instrument which is dangerous territory filled with *verbotens*. Even before war broke out in 1939 Germans were not allowed to listen in to Moscow or Strasbourg. Although other foreign stations were not officially *verboten*, no German would be likely to ask in the party block leader for a glass of beer and then turn on Paris or London for political news. Immediately on the outbreak of war, listening to foreign stations, whether enemy, neutral or, allied, was placed under severe penalties. The passing on of news received from foreign stations is punishable with death. A number of such death penalties have already been executed and published in the German press to deter others.

Late in October of 1941, the Ministry of Propaganda published a list of stations inside and outside Germany to which Germans are permitted to listen. The list gives all thirty-eight stations in the Reich proper and fifty in occupied territories. The stations in Paris, Belgrade, Oslo as well as in occupied Russia

are, of course, German stations for the duration of the occupation. It was then also explicitly stated that listening in to countries which are on Germany's side, such as Italy, Hungary, Rumania, Bulgaria, or Finland, is still banned and will remain so in the future.

In England and in the United States there is no *verboten* against listening to foreign stations, and in addition newspapers even publish the wave lengths and programs of foreign stations, including enemy stations. Why this difference? The English and American theory is that listening to Lord Haw-Haw will only amuse any Englishmen or American. If Lord Haw-Haw would tell the truth, he would not have gone to Germany in the first place. The German theory is different: listening to foreign stations is called *geistige Selbstverstümmelung*, mental self-mutilation. Just as the state cannot allow its citizens to mutilate themselves bodily, especially in time of war (i.e., always in the Reich), so it cannot allow them deliberately to mutilate themselves mentally.

By issuing its harsh penalties at the beginning of the war, the Nazi Government has paid a high tribute to the veracity of foreign stations, enemy, allied, or neutral, and to the yearning of the German public for non-German news sources. The German people have thus been officially assured that they cannot "take it." It will be interesting to watch what effect this will have on their ability to "take it" physically. If the Germans are assured by their own government that they cannot take British messages from air waves, they might not be able to stand so well other messages coming more directly from the air.

#### *How Effective Is Nazi Propaganda at Home?*

As long as the Nazis crushed their opponents at leisure inside Germany their propaganda was effective because it could point to the irresistibility of the Nazi idea. Likewise, Nazi propaganda at home was at its top in the years from 1933 to 1939 when the

Nazis could obtain all they wanted from the western powers by threats and blackmail. More and more Germans became convinced that there must be something about the Nazis if British prime ministers came personally to Germany in order to plead with the Leader, who finally got even more than he had asked for, as in the Munich crisis. The whole policy of appeasement was the best propaganda for the Nazis. They could justly point out that peaceful negotiation in the era of the Republic had secured for the Reich minor concessions at best, whereas the Nazi methods made the world fear and respect Germany again. Likewise, the military successes from 1939 to 1941 provided good propaganda. Each military communiqué announcing a new victory was high-class propaganda, better than anything Dr. Goebbels could provide with his pen.

The snag in the Nazi propaganda came when decisive victories failed to materialize in the Russian war in 1941 and 1942. The great blunder of Nazi propaganda consisted in identifying, as imperial Germany had done before, the whole world with the German people. Victory over the German opponents was easy. Oswald Spengler dared to say in 1933 that "it was no victory because the enemies were lacking."<sup>5</sup> However that may be, the Nazis based their whole strategy of propaganda at home on the assumption that the destruction of the free nations opposing Nazism would be as smooth and easy as that of the anti-Nazis in Germany. The six years of appeasement and the first two years of war culminating in the victory over France seemed to justify this strategy of home propaganda. However, the determination of Britain to continue the struggle, the defeat of the *Luftwaffe* in the Battle of Britain in the fall of 1940, the resistance of the Soviet Union, and, finally, the entry of the United States in the war on the anti-Axis side changed the whole picture.

The triumph over the internal anti-Nazis had been swift and decisive. The propaganda at home with regard to the

<sup>5</sup> Oswald Spengler, *Jahre der Entscheidung* (Munich, 1933), p. viii.

struggle with the anti-Nazis powers abroad was also geared to the expectation of a quick and decisive victory. Since it did not materialize because of the resistance of Britain and Russia and the entry of the United States in the war, the propaganda showed itself incapable of coping with the new situation. The Leader tells in *Mein Kampf* that German propaganda in the first World War had been very ineffective at home because it depicted British and French soldiers as hordes of cowardly weaklings who were no match for the specimens of the master race. This type of propaganda was silly, the Leader states, because the German soldier found out soon enough that French, British, Australian, or Canadian soldiers were anything but weak and cowardly. On the other hand, the Leader says, British propaganda tried to exaggerate the ferocity of the German army, thus impressing the British soldier with the difficulty of the task facing him and preparing him in advance for possible setbacks. It is strange that Germany under the Leader is falling back upon the same type of propaganda at home which the Leader criticized so sharply with regard to imperial Germany.

When France asked for an armistice in the summer of 1940, the German public was advised that the war was practically over. Britain would follow suit very soon. It was all a matter of weeks, perhaps days. When the United States began to rearm in the summer of 1940 and at the same time aided Britain in its fight for survival, the tenor of the German press and radio was that this was a futile gesture. First of all, rearmament takes years. By that time, Britain would be soundly beaten. Second, the American people really did not care about the fate of Britain, except perhaps a few warmongers such as Roosevelt, Willkie, *et al.* Third, the Axis would never encroach upon American interests or attack the United States, and that in itself would slacken the American rearmament effort. Fourth and last, even if the United States were able to manufacture the implements of war in order to aid Britain, they would never reach Britain because German

submarines would mercilessly sink any American or British ship approaching the British Isles.

Later, after the invasion of Russia, the German people were informed several times in August, September, and October in 1941 that the Russian armies were definitely and irretrievably beaten, and that, in fact, a Russian army was no longer in existence. All that was left was a campaign of local mopping-up operations against guerrillas because that was all that remained of the "red hordes," as the Soviet army was styled.

Likewise, the Germans have been totally unprepared for heavy enemy bombings. Before war broke out the British public was flooded, both officially and unofficially, with descriptions of wartime Britain as one long nightmare once bombings started. The *Blitz* against Britain in the fall of 1940 was bad enough, but the British could take it. By contrast, the Germans have been assured all along that they would not experience any bombings. Marshal Goering, chief of German aviation, said on September 9, 1939: "I will see to it that no enemy plane drops its bombs on German soil." This boast was an inadequate psychological preparation of the German public for heavy raids such as were launched in April and May of 1942 against Rostock, Cologne, and Essen. German internal propaganda, which is merely psychological warfare at home, has been based too much on the expectation of swift victory to be changed so easily when conditions of attrition become reality. It was, after all, one of the remarkable facts about the first World War that imperial Germany scored victories for four years, and lost for only three months. It is safe to predict that if Germany loses the second World War, the period of her decline will be again considerably shorter than the period of ascension and triumph in this war. Just as military warfare cannot be changed over easily from *Blitz* strategy to attrition, so psychological warfare cannot suddenly be transformed in its basic character.

## *Chapter VII*

### The Control of Art and Literature

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#### *The Reich Chamber of Culture*

The Ministry of Popular Enlightenment and Propaganda headed by Dr. Goebbels is charged not only with propaganda and public opinion but also with the control and direction of all cultural activities in the Reich. The Nazi theory of politics applies to the literary and artistic sphere in the life of the national and international community. "What cannot be co-ordinated must be eliminated"<sup>1</sup> is as true of the cultural as it is of all other manifestations of national life. The elimination has been accomplished by violence and exile, the co-ordination by the usual mixture of force, intimidation, and propaganda.

On September 22, 1933, the Reich Culture Chamber (*Reichskulturkammer*) was set up as the governmental body in control of all cultural activities of the nation. The law stated the purpose of the Culture Chamber: "In order to pursue a policy of German culture, it is necessary to gather together the creative artists in all spheres into a unified organization under the leadership of the Reich. The Reich must not only determine the lines of progress, mental and spiritual, but also lead and organize the professions." The Minister of Propaganda is the President of the Culture Chamber.

<sup>1</sup> Nesse, *op. cit.*, p. 688.

All professions in the field are under the control of the Chamber and are organized into seven subchambers: architecture and plastic arts, music, theater, literature, press, film, radio. The President of the Reich Chamber, who is also the Minister of Propaganda, appoints the presidents of the seven professional subchambers. Membership is compulsory for any person who is engaged in the production, reproduction, dissemination, or distribution of "cultural goods." Thus, for instance, the writers' chamber also controls the book trade, advertising, and libraries.

The principle of compulsory membership means the exclusion of all those who do not impress state or party officials of their ability and willingness to contribute to the new Nazi *Kultur*. Those who are members are under the constant fear that one slip from the path of uniformity may mean exclusion from the chamber and, as a consequence, economic and professional ruin. The very existence of the chambers thus tends to exercise the kind of censorship which is more effective than the censorship of the old absolutist regimes in which cultural and literary activities could be carried on freely by everybody, and censorship affected only individual pieces of production. The Nazi system is more effective because it censors the personnel from which artists, writers, and distributors may be selected.

The principle of compulsory membership is supplemented, as everywhere in the Reich, by that of leadership. The Leader appoints the President of the Reich Culture Chamber. The latter appoints the presidents of the seven individual group chambers. Each chamber is represented locally by a provincial culture leader in each of the forty-five provinces or *Gaue* of the Reich, according to the party organization of the Reich territory. These provincial culture leaders are appointed by the presidents of the national chambers. The President of the Reich Culture Chamber, the seven presidents of the individual chambers, and the three hundred and fifteen provincial culture leaders thus constitute the directive staff of the new Nazi culture. Three hundred and

twenty-three persons have the responsibility of seeing to it that a people of seventy millions thinks rightly, acts rightly, and lives rightly. The Germans once boasted of being a people of poets and thinkers (*ein Volk der Dichter und Denker*). The main task of the Nazi culture leaders is to turn them into a people of judges and hangmen (*ein Volk der Richter und Henker*).

Paralleling the work of the Ministry of Popular Enlightenment and Propaganda is the office headed by Alfred Rosenberg. The Leader entrusted Rosenberg with the task of supervising and co-ordinating activities and opinions relating to Nazi *Weltanschauung*, a word which is untranslatable. It is a blend of the philosophy, opinion, attitudes, rationalizations, aspirations, ideals which characterize a person or group. Rosenberg has been editor of the *Voelkischer Beobachter*, official party organ, for many years. He is also the author of a book entitled *The Myth of the Twentieth Century*, next to *Mein Kampf* the most widely read, bought, and quoted Nazi catechism in Germany.

The purpose of government control of all artistic and literary activities is to create a nation of seventy millions composed of seventy million Nazis. The measures of official control fall into two categories: preventive and promotional.

Preventive measures exclude undesirable persons from the field of artistic, literary or professional activities by denying such persons membership in one of the chambers. The method of exclusion applies, of course, to dead as well as living writers and artists.

#### *The Regulation of Literature*

The first large-scale manifestation of this preventive method occurred in April and May of 1933, when public burnings of books were organized by university students and storm troopers. In Berlin alone over twenty thousand books were burned in one big fire in the center of the city. Because German literature provides plenty of works whose authors could not or did not agree

with the Nazi *Weltanschauung*, many of the authors handed over in effigy to the bonfire were German. But the range of Nazi hatred of literature knows no national boundaries. Numerous French, British, Russian, and American authors, to mention only a few groups, were also honored by the burning of their books. American authors in whom the Nazis apparently could not find the true Nazi spirit included names like Jack London, Upton Sinclair, Margaret Sanger, and Helen Keller. After the burning was over, Dr. Goebbels addressed the masses of spectators: "The German people's soul can again express itself. These flames do not only illuminate the final end of an old period; they also light up a new era." Similar scenes spread all over Germany. The place of the burning was in all cases the center of the city. The main organizers everywhere were university students. The large crowds of spectators were not made up exclusively of party members who had to attend.

The burning of books could not be maintained, however, as the sole or even primary manner of dealing with the problem of preventing the Germans from getting acquainted with books which might gravely imperil their mental health. For one thing, the burning of books is a costly method. In a country such as Germany, which is dependent upon the importation of wood pulp, especially under a permanent war economy, it would be too wasteful to burn all undesirable works. The writers' chamber issued an order on April 25, 1935, in which a running list of all those books was to be kept which "endanger the National Socialist cultural will." This list, like the Index of the Catholic Church, is not a compilation made but once; it is maintained as a permanent institution for the protection of the purity of Nazi culture.

In 1926 the German Reichstag enacted a law for the protection of minors against obscene literature. On April 10, 1935, the Nazi Government repealed that law on the ground that minors were not the only Germans who needed protection and that

obscene literature was not the only type which was objectionable: "In the defense against harmful literature of any kind, the National Socialist State possesses for the protection therefrom not only of youth but of the entire nation, a far more effective means in the Law on the Reich Chamber of Culture." Thus the German people were officially assured that the difference between minors and adults was one of those Jewish-Communist-Liberal prejudices, and that the position of the minors as objects of protection would now be extended to the whole nation. Likewise, the Republic protected minors only against obscene literature. There again the new legal regulation advanced the scope of dangerous literature from obscenity to anything which a party official might find incompatible with Nazism. Actually, obscene literature has now more freedom of circulation in Germany than ever before, as is evidenced by the fact that *Der Stuermer*, the leading pornographic sheet of Germany, has the largest circulation of all German newspapers, daily or weekly. Gorki, Proust, Zola, H. G. Wells, Gide, Hemingway, Steinbeck, and Sinclair Lewis have replaced obscene literature as *verboten* reading matter.

The lists of forbidden books which the writers' chamber issues periodically apply to bookstores and libraries. On April 6, 1935, the writers' chamber ordered its division which controls lending libraries to "purge all lending libraries of undesired literature." The lending libraries are now a government monopoly. Even before Nazism came to power most lending libraries in Germany were municipally owned and operated. Under the present regime, a Bureau for Popular Libraries, established in 1937, functions as a national agency for the control of all popular libraries in Germany. Libraries of all types are subject to the Reich Council for Library Affairs established in 1936. Even scholarly libraries are no longer permitted to contain works written by Jewish, Socialist, pacifist, or liberal authors or others who are held to be incompatible with the sound development of Nazi ideas.

The training of library personnel has been thoroughly revised since 1937. Candidates are now required by law to be members of the Nazi party or of one of its subdivisions.<sup>2</sup> During the five years following the establishment of the Nazi regime no less than three quarters of all head-librarians of scholarly libraries left their positions or were forced to resign. This turnover in a five-year period was almost four times as high as the normal turnover before 1933. The first four years after 1933 saw the disappearance of eighty important German libraries as compared with the pre-Nazi rate of disappearance of only twelve over a four-year period. Many of the libraries which disappeared had between 50,000 and 100,000 volumes. Both the use of books in the libraries as well as the rate of borrowing books from libraries have dropped very sharply since 1933; the percentage of decrease since the period before 1933 is from twenty-five to sixty-five. The acquisitions of books by libraries in terms of absolute numbers have been well maintained under the Nazi regime, but the rate of users or borrowers of books has considerably declined. The decline in the use of university libraries is the most noticeable. In 1932-33, 973,724 persons used the ten leading university libraries; in 1937-38, this figure had dropped to 339,035, a decrease of about two thirds.

Foreign books, periodicals, and newspapers can be easily kept out of bookstores and libraries. The government has to approve each application for the importation of foreign goods. Because Germany has operated on a permanent war economy since 1933, it became increasingly difficult to obtain foreign exchange for the purchase of books published abroad. Works dealing with technological problems in connection with the war potential could, of course, be freely imported by libraries, but otherwise it was difficult to obtain funds for works of a non-

<sup>2</sup> Rudolf Kummer, "Das wissenschaftliche Bibliothekswesen im nationalsozialistischen Deutschland," *Zentralblatt fuer Bibliothekswesen*, 55 (1938), 399 ff., see also Karl Taupitz, "Ueber den Begriff der Volksbuecherei," *Buecherei*, 6 (1939), 1 ff., for a discussion of the popular libraries.

technical character, unless they praised Nazi Germany. As it happened, Germany has been none too popular in most parts of the world since 1933, so that few general books could be imported. Likewise, few foreign authors are translated into German unless they are pro-Nazi. As their number is very small, most foreign authors translated into German since 1933 are authors of fiction or escapist literature of all kinds. Knut Hamsun, the Norwegian novelist, is the only author of world reputation who has praised Nazism publicly. Quisling is now his hero.

German literature could boast, before 1933, of following the ideal of *Universalliteratur*. More foreign books were translated into German than into any other language, with the possible exception of French. Under the Nazi regime every attempt has been made to shut off the German people from its age-old contacts with the literary activities of other nations. The prohibition of listening to foreign stations, the permanent prohibition of many of the leading foreign newspapers, and the prohibition of foreign authors, coupled with the difficulty of obtaining foreign exchange for the purchase of foreign books, all fit into one and the same pattern. An intellectual Gestapo instituted by the government and the party sees to it that no unorthodox ideas are smuggled into the heads of Germans.

This intellectual Gestapo has also been firmly established wherever the German Army has destroyed national independence through conquest or threat of force. In September, 1940, the association of French publishers in Paris published a list of books withdrawn from circulation by the publishers or prohibited by the German authorities (*Ouvrages retirés de la vente par les éditeurs ou interdites par les autorités allemandes*). This list was called "Liste Otto," and represented merely the first example of a whole series of such compilations. The number of forbidden works was approximately nine hundred; however, since in some cases "all works" were forbidden without being listed individually, the exact number of volumes on even the first list cannot be

assessed. The preface to the list is written in French and German. It states that the forbidden works have contributed, through false and tendentious statements, to the poisoning of French public opinion. In addition to a large number of books dealing with German politics, German militarism, and imperialism, the list also contains the works of the following type which have "contributed through tendentious misstatements to the poisoning of public opinion in France": novels by Pierre Loti, Louis Aragon, Karel Čapek (Czech dramatist), Thomas Mann (all novels), Heinrich Mann (his brother, also all novels), Marcel Prévost, Maurice Dekobra, Panait Istrati (Rumanian novelist), Romain Rolland. Nonfiction works include books by Henri Massis, Philippe Barrès, Wladimir d'Ormesson, Edmond Vermeil, Jacques Bainville, Henri de Jouvenel, André Maurois, Georges Duhamel, Cardinal Verdier, Paul Reynaud, André Tardieu, Henri de Kérillis.

Anyone familiar with French political writers will notice that many of these writers were soundly conservative and some of them nationalist. They were in no way Leftist intellectual *Kulturbolschewiken*, as the Nazis call any writer with whom they disagree. Foreign forbidden authors include the names of Winston Churchill with his book *Great Contemporaries* (which committed the unpardonable crime of not praising the Leader enough); all works of Sigmund Freud; all works by Carlo Sforza, former Italian foreign minister; the American anthropologist Franz Boas; the war memoirs by Lloyd George; books by ex-President Beneš of Czechoslovakia; John Foster Dulles, the famous American student of international law and co-operation; biographies of Mussolini and Frederick the Great by various foreign authors; Martha Dodd's *Through Embassy Eyes*; G. K. Chesterton's writings on German politics; Sir Nevile Henderson's *Failure of a Mission*.

Some of the *verboten* works must have a rather remote connection with the poisoning of French public opinion: *The Evolu-*

*tion of Physics* by Albert Einstein and his collaborator Leopold Infeld; *Toward the Professional Army* by Charles de Gaulle, in which the present leader of Fighting France indicated years before France was defeated that the quality and quantity of mechanized armies would be decisive in the coming war.

Of the whole list of books which are forbidden because of their "contribution to the poisoning of French public opinion," the prize goes undoubtedly to one work called *Mein Kampf* by the well-known writer A. Hitler. It is the most remarkable tribute ever paid officially to the French people by the Nazi conquerors that *Mein Kampf* is now *verboten* in occupied France. Although the author of this work has succeeded in selling over six million copies to the German people, he is most anxious to withhold his book from the French.

On September 28, 1940, the association of French publishers published an "agreement" with the German authorities in which they pledged themselves not to publish new works or reissue old works which are "harmful to the prestige and interests of Germany, or works written by authors whose writings are forbidden in Germany." Two copies of each new work printed must be sent to the "Propaganda Unit" (*Propaganda-Staffel*) of the German authorities, which has also the final discretion as to what may be published in occupied France.<sup>3</sup> Thus the French people under German occupation may not read anything by any author forbidden in Germany or any of the *verboten* authors on the list especially adapted for the benefit of the French people.

The same technique has been worked in the other occupied countries. The Nazis have systematically sought to destroy the great national works of literature by withdrawing them from public libraries and by forbidding their republication through native publishing firms.

<sup>3</sup> Syndicat des éditeurs, *Convention sur la censure des livres* (Paris, 1940).

*A Model Nazi Library*

A satisfactory idea of the Nazi conception of *Kultur* can be gained from a basic list of four hundred books which every Nazi library ought to have. The list was compiled by the "Office in Charge of the Entire Intellectual and Ideological (*weltanschaulich*) Education of the National Socialist Party."<sup>4</sup>

The first section of the bibliography is entitled "National Socialism and Weltanschauung." It lists prominently all books and addresses by the Leader and other front-rank Nazis like Goebbels, Himmler, Goering, Darré, and Rosenberg. Four books are by Heinrich Hoffmann, the Leader's personal photographer, and contain nothing but pictures of the Leader. One picture book on the Leader is called "Hitler: as no one knows him." This mysterious collection of secret pictures is simultaneously advertised as being in its two hundred and sixtieth thousand.

Only few writers of pre-Nazi vintage are listed. In the field of *Weltanschauung*, Houston Stewart Chamberlain's *Foundations of the Nineteenth Century* and an anthology from Nietzsche's works are the only sources listed. Chamberlain proved forty years ago that everything worth while in history was produced by the Nordics. Among them the German people, through a fortunate dispensation of Providence, were the natural leaders, and had more *Kultur* than the Nordics of lower breed such as the English. Chamberlain was an Englishman, but he exchanged his English mother country for the German fatherland when he found that his native land did not sufficiently appreciate his greatness as a historian and philosopher. In Germany, on the other hand, he became the personal friend of the Kaiser because he told the Kaiser the very things he loved to hear.

The fact that Nietzsche is the only German thinker chosen from the long galaxy of the precursors of Nazism in German

<sup>4</sup> *Vierhundert Bücher fuer nationalsozialistische Buchereien*, Zusammengestellt vom Amt Schrifttumspflege beim Beauftragten des Fuehrers fuer die gesamte geistige und weltanschauliche Erziehung der NSDAP (Zentralverlag der MSDAP, Munich, no date).

thought throws an interesting light both on the Nazis and on Nietzsche. It is quite obvious that the Nazis do not read the German classical philosophers. There is plenty in Hegel and Fichte that would admirably suit the Nazi *Weltanschauung*. But Nietzsche is the perfect author for the half-baked German intellectual who derives theories of history and political ideas from such Nietzschean phrases as "the blond beast," or from his vehement attacks on Christianity as slave morality and on democracy as mediocrity, or who dreams with Nietzsche of the coming age of supermen. Nietzsche always ridiculed German nationalism and imperialism, and called German anti-Semitism "the German disease." But this fact does not detract from his position as the most prominent German writer whom an uneducated Nazi can understand without delving into the mysteries of dialectics *à la* Hegel or into a critique of pure reason *à la* Kant.

The next two sections of the Nazi bibliography deal with the prehistorical and historical periods of the Germans. Most of the works listed there are by unknown authors and would ordinarily be classified not as history by the decadent historians of the West, but as myths or legends. Of names well established in Germany, Treitschke, Frederick the Great, Fichte, and Bismarck occupy a prominent place.

The section on biography lists ten titles. Five are biographies of great German soldiers such as Schlieffen and Bluecher. The other five biographies include lives of Bismarck, Frederick the Great, and of the Great Elector, grandfather of Frederick the Great, who established Prussia as a great military power.

The following section, proportionately very long, deals with the first World War and the period thereafter. The books listed are mostly fiction or *reportage* describing the heroic feats of the German soldier during and after that war. Of historical documents, only the memoirs of Hindenburg and Ludendorff, the two leading German soldiers of the first World War, are included. It is interesting that this section contains a large number

of books which give pictorial accounts of the first World war. The war in the air is also stressed beyond its actual proportions during that conflict.

The section dealing with military science (*Wehrkunde*) and military history is, again proportionately larger than most other sections. It contains the classic *On Warfare* by Carl von Clausewitz. The other books are either histories of the German army or general discussions of war and the preparation of Germany for war. It is interesting that war in the air occupies, in this section too, a very leading position.

The following section deals with the German people. About eight tenths of the books listed cover the German peasant and his customs and mores. This is an expression of the Nazi idolization of blood and soil as against the alleged decadence of the urban and metropolitan institutions and habits.

The section on Germandom on the frontiers and abroad (*Grenz- und Auslandsdeutschum*) stresses the ties of Germans in foreign countries to Nazism and the Reich. The section on the work of the Labor Service describes this compulsory paramilitary organization in which all Germans, male or female, have to serve. It also stresses the difference between the Nazi conception of labor and liberal or socialist ideas on labor.

The following section, one of the longest in the list, covers race doctrines, eugenics, and population policies. Prominent place is given to the works of Hans F. K. Guenther, who in the last twenty years has been proving to the satisfaction of German nationalists and Nazis that the Germans are the finest flower of nature's creation. The next section deals with the Jewish question and Bolshevism. In addition to old pre-Nazi anti-Semitic writers like Theodor Fritsch and Richard Wagner, the composer, the books of Alfred Rosenberg are especially emphasized.

The last two sections deal with art, science, and poetry. It is significant of the basic character of the standard bibliography for a model Nazi library that art, science, and poetry are listed at the

end. It is even more interesting that the two national German poets, Goethe and Schiller, are not considered worthy enough by the new *Kultur* apostles to be included in German art or poetry. And, of course, one will look in vain for Lessing, Klopstock, Novalis, Hoelderlin, Lichtenberg, Claudius, Herder, Buerger, Jean Paul, Hebel, Kleist, Brentano, Tieck, Eichendorff, Rilke, or Hauptmann. Of contemporary writers, Thomas and Heinrich Mann are, from the Nazi point of view, the two literary public enemies at the top of the list of traitors to Nazism. One will notice that in the Nazi bibliography of German literature there is not a single name of the great German literary tradition. There is plenty in that tradition upon which the Nazis could fall back for their own purposes. Thomas Mann's *Reflections of a Non-Political Man* is a long book of over six hundred pages written during the first World War in defense of German *Kultur* against mere western "civilization." The Nazis could have found in this work the most powerful attack against western democracy ever written in German. But the Nazis, even the leaders who manipulate the masses, apparently do not have enough leisure to read the great German classics. We have noticed before that the exaggerated and popular attacks against Christianity, morality, and democracy of Nietzsche were the only pre-Nazi contribution honored by being included in the first section on Nazi *Weltanschauung*. Likewise, in literature, it is the popularizations and exaggerations of some traditional German ideas which are included in the section on literature. In western countries, for instance, the name of Hans Grimm is hardly known. Yet his "People Without Space," a novel on a well-known German theme, sold over a million copies since its publication in 1926. Likewise one will find in this Nazi list of literature many fictional biographies of various German and Prussian emperors and kings which western students of literature dismissed because of their literary insignificance. The western countries did not get an adequate impression of the influence of German literature

on German society in the last twenty years. The authors who were most translated abroad were those who had literary merit and expressed the western orientation in German literature. But they were not necessarily those who had most influence on German readers. The authors whose biographies of Frederick the Great, and other Fredericks and Frederick Williams, were sold in hundred of thousands of copies remained unknown abroad because their works were too quickly dismissed as nationalist or militarist propaganda.

#### *Free German Literature in Exile*

The literature produced so far under the Nazi regime is practically unknown in foreign countries because foreign readers, unlike German readers, cannot be cajoled into reading continually new biographies of Frederick the Great or escapist animal stories in the Nazi style. The list of writers now in exile reads like a catalogue of recent and contemporary German literature: Thomas Mann, Heinrich Mann, Erich Maria Remarque, Bert Brecht, Oskar Maria Graf, Alfred Neumann, Robert Neumann, Robert Musil, Georg Kaiser, Leonhard Frank, Ludwig Renn, Walther Mehring, Arnold Zweig, Franz Werfel, Bruno Frank, Hermann Kesten, Alfred Doeblin, Lion Feuchtwanger, Gustav Regler, Carl Zuckmayer. Their books continue to be published in foreign translations while the poets promoted by Dr. Goebbels do not seem to make much of an impression on foreign readers.

But it should be emphasized again that many of the writers now in exile were already in a spiritual exile in Germany before 1933, when they became increasingly aware of the forward march of savagery and intellectual hatred. Some of the most talented writers committed suicide abroad: Walter Hasenclever, Ernst Toller, Kurt Tucholsky, and Stefan Zweig ended their lives in France, the United States, Sweden, and Brazil respectively. Many less well-known writers committed suicide in France after

the armistice because they were afraid that they would be handed over by the Vichy authorities to the Gestapo. The Vichy authorities actually did this several times in compliance with Article 19 of the German-French armistice. The victims chose suicide as the easiest way out of the hands of the Gestapo.

In this connection should be mentioned the attempts of German publishing companies to continue the publication of free German literature outside the pale of the Leader and Dr. Goebbels. Immediately after the burning of books and the exile of anti-Nazi authors, German publishing companies sprang up in various countries. In Czechoslovakia, Switzerland, Holland, France, Belgium, and Sweden new publishing firms were established for the purposes of continuing a free German literature. In Central and Northern Europe, German is understood by so many people who do not speak it as their mother tongue that the setting up of such firms seemed wholly warranted even from the commercial point of view. In addition, of course, the thirteen million German-speaking people of Austria, Czechoslovakia, and Switzerland provided a natural market for literature which was not Nazi propaganda in disguise. No emigration of the last hundred years can boast the quantity or quality of works published by these new firms outside Germany.

After the Leader conquered country after country these firms disappeared. Sweden, the Soviet Union, Mexico, and the United States are the only major countries in which such free German literature is still published. But South American countries, too, have given refuge to smaller free German publishing companies. The most inspiring title pages in German books which this writer has seen in the last ten years are free German books which were published by Dutch firms in the Dutch East Indies in Batavia, Java. They came out in 1940 and 1941 after the Dutch mother country had been occupied by the *Kultur* apostles of Himmler and Goebbels in the spring of 1940. The publication of German books in Java as one of the last places of

refuge for free German thought is something which would have exceeded even the imagination of a Goethe or a Rilke.

The best known of this refugee publishers is the L. B. Fischer Co. The S. Fischer company had been one of the three leading German publishers before 1933. After the Nazis came to power the firm moved to Vienna. In 1938, when Austria was taken over by the Leader, the Gestapo seized half a million copies of books published by the firm. The company then moved to Sweden. In 1941 it was established in the United States by the son-in-law of the late S. Fischer in order to continue the work which had become difficult in Sweden owing to the war conditions.

The Tauchnitz Library of British and American Authors was closed in June, 1942. This firm has published British and American authors in cheap and well-printed editions since 1841 under special copyright agreements with authors and publishers. These books were sold anywhere outside the United States and the British Empire. In the one hundred and one years of its existence the Leipzig firm published six thousand titles of British and American literature. American tourists to Europe are familiar with the Tauchnitz books sold everywhere on the Continent. From Michael Arlen to Zane Grey, from Shaw to O'Neill, practically all shades and varieties of British and American literature of the last hundred years, were represented in this collection of books published in English by Tauchnitz. In June, 1942, the firm announced that it would henceforth give up completely the publication of books in English and publish only German books. This is another step of the Nazi regime to encircle the German reader and isolate him from contacts with free world literature.

#### *Totalitarian Art*

In music, theater, and the arts the wholesale imposition of the Leader's taste on the German people has been characteristic of

the last ten years. The days when Berlin, Vienna, Salzburg, and Bayreuth were the musical centers of the world are gone. Germany no longer stands in the front rank of musical nations. For the first time in over two hundred years it cannot claim a single composer of even the second rank. Hindemith, Korngold, Schoenberg, Wellesz, and Krenek had to leave or left voluntarily. Most of them migrated to the United States. Richard Strauss of Vienna is still in Germany, the only composer of international renown who chose to stay. He is a broken old man now living on his past. The great German conductors, singers, pianists, violinists, and other musical artists have also gone into exile. Bruno Walter, Fritz and Adolf Busch, Lotte Lehmann, Elizabeth Rethberg, Emanuel List are but a few names which occur to any music lover. Of great conductors, only Wilhelm Furtwaengler chose to stay in Germany. Ernest Newman, the renowned music critic, expressed the judgment of the music-loving world when he said that "there is not a single German performer, conductor, pianist, violinist, singer, or anything else whom world-opinion ranks as the best in his particular line."<sup>5</sup>

In the theater, Germany has lost her greatest producer, Max Reinhardt, and her greatest actor, Albert Bassermann, to mention only the two leading names. Other great actors who left were Elizabeth Bergner, Oscar Homolka, Conrad Veidt, Luise Rainer.

From the film industry, Fritz Lang, Germany's leading producer, is now in Hollywood. William Dieterle is another film producer now well known to the American public. Francis Lederer and Rudolph Forster are well-known German film actors who are in exile. Of the great film actors, Emil Jannings is the only one who stayed in Germany. He is, incidentally, a native of the United States. Since 1933 he has specialized in portraying Prussian kings, field marshals, and other impressive figures of Nazi heroism.

Dr. Goebbels is personally making up for German losses in

<sup>5</sup> Ernest Newman, "Queen's Hall," *Sunday Times* (London), May 18, 1941.

the film industry. He himself is the "originator" of several films of politically desirable plots, and he personally supervises twice weekly the official newsreel compulsorily shown by all German movies.<sup>6</sup>

As in other spheres of artistic activity, foreign films are carefully examined before they are admitted into Germany. The American films shown in Germany used to be more numerous than those of all other foreign countries put together. Since 1933 many American films were not admitted into Germany because they were not held to be conducive to fostering the right Nazi view of life. In 1938 the German government suggested, through the president of the film chamber, that American film companies could freely sell their films in Germany if the United States government would induce the owners of the large picture theaters in each of the largest twenty-four American cities to give over one quarter of the playing time to Nazi propaganda films. It was impossible to persuade the German officials that the government of the United States does not have the authority to force theater owners to show specific pictures. To the Nazi official this was another illustration of the unwillingness of the democracies to co-operate in the peaceful establishment of a new, that is, a Nazi, order all over the world.

In March of 1941 the Nazi government completely banned the showing of American films in the Reich. Shortly before that ban, Chaplin's "The Great Dictator" had aroused the particular ire of the Nazis. They succeeded, through diplomatic pressure, in having the film banned in several European and Latin American nations, but failed to force the United States to ban the film inside this country just because the Leader did not appreciate Mr. Chaplin's art. It was, of course, true that after seeing the film

<sup>6</sup> In the same interview in which he cited the above facts he also stated the flat lie that all film studios in Britain and France had been closed down on the outbreak of war in 1939, that no films had been produced there since 1939, and that the British film studios are used as warehouses for storing wheat.—*Die Woche*, March 26, 1941.

many people wondered whether the Leader impersonated Charlie Chaplin or vice versa.

In September of 1941 the United States Senate Interstate Subcommittee appointed a subcommittee to investigate interventionist propaganda through American films, meaning thereby the anti-Nazi films which were at that time being shown in this country. "The Great Dictator" was specifically attacked by Senator Nye, member of the subcommittee, as a "pro-war propaganda vehicle." It seems hardly credible today that senators of the United States spent so much time and effort on protecting the Leader only three months before Pearl Harbor while simultaneously attacking the governments of the United States and Great Britain. After Pearl Harbor the Senate sub-committee for the protection of the Leader's honor was disbanded. To produce anti-Nazi films in the United States is no longer subject to Senate investigations and public attacks.

In the field of the fine arts, Germany has lost men like George Grosz, Gropius, Kokoschka, Oppenheimer, Poelzig, and Holzmeister. Since Albrecht Duerer, painting and sculpture have never been the artistic *forte* of Germany, but the Nazi regime has driven out most of the leading artists in the fine arts and architecture. Futurism, Dadism, cubism, impressionism have no place in the new Germany. Likewise, the *Bauhaus* school in architecture, Germany's most outstanding contribution to modern architecture, is exiled. Its head, Professor Gropius, teaches at Harvard University. In determining the artistic taste of the new Germany the Leader is enjoying one of his supreme triumphs in life, more enjoyable to him than a conquest of another country here or there on the Continent. When the Leader was an unknown young man he submitted several of his paintings to the Vienna Academy of Arts in order to be accepted as a student there. The Academy failed to appreciate properly the genius of the future Leader of the German nation, and rejected the pictures as unsatisfactory.

Now the Leader has taken over the whole matter of art regulation in Germany, for in this field he does not need experts. Here he is the expert. He has organized several exhibitions of "degenerate" modern art, usually called "Jewish Bolshevism in Art." The artists exhibited are not necessarily Jewish or Bolshevik, but they represent all the modern schools that are anathema to the Leader.

Burning these pictures would be the safest method of putting them out of the way. But the eternal quest for *Devisen* (foreign exchange) in a permanent war economy has led to the sale of many of these pictures in foreign auctions, particularly in Switzerland. From there many have found their way into foreign countries. The Museum of Modern Art in New York has been able, over the last ten years, to purchase a large number of pictures by representative modern artists of all nationalities which could no longer be kept in German museums because the Leader thought that they were Jewish Bolshevik art.

How far has the Nazi regime succeeded in imposing on the German people the artistic and literary tastes of the Leader, Dr. Goebbels, Alfred Rosenberg, Heinrich Himmler? This question cannot be answered in statistical terms, of course. It does not seem that the effects have been as disastrous, from a long-term view, as might appear at first sight.

As long as Goethe is not *verboten* he constitutes a menace to the literary dictatorship of the regime. Not because Goethe uttered democratic or liberal views, but because of the purity of his language, the richness of his style, the humaneness of his outlook, the depth of his understanding of nature, beast or man. These qualities are intrinsically incompatible with the narrow blood and soil paganism of the Nazi intellectuals and the brutality of Nazi politics and the Gestapo. Many of Goethe's works are no longer reprinted because the Nazis do not desire to have the Germans read Goethe more than can be helped at present. But the libraries still carry him, and bookstores and millions of

German homes still boast his works. Mr. Anton Kippenberg, a German publisher who owns the largest private Goethe collection in the world, wrote as follows in the tenth and last annual volume published by him: "We are living today in a period of distance to Goethe (*Goethe-Ferne*). But we have the confidence that the whole nation will at some later time see again in Goethe its greatest poet and revere in him also one of the most German of its poets."<sup>7</sup> Likewise, Schiller with his songs and plays in praise of liberty, and Lessing with his essays and dramas pleading for religious tolerance, are *personae non gratae* to the Nazis. But their works are not officially banned and can be had.

The advent of Nazism has witnessed, as in other dictatorships, a return to the classics, since contemporary writers are either abroad or, if in Germany, cannot deal realistically with current social and artistic issues. In addition to the escape into the past, other forms of artistic escape have spread. Never before have so many animal stories been published in Germany as in the last ten years. Similarly, stories of adventure in foreign countries, usually written by foreign authors, have been very popular since 1933. The escape from reality shows itself also in the large number of historical novels and biographies published since 1933. Some are genuinely Nazi, but in others one can read between the lines what the author would like to say about the present but has to say about the past.

<sup>7</sup> Anton Kippenberg, Introduction, *Jahrbuch der Sammlung Kippenberg*, 10 (1935), 2.

## *Chapter VIII*

### Education

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The impact of Nazism on education in Germany has been manifold. The most important education a child receives is not necessarily given in school or in any other formal fashion. Environment is in itself an agency of influence and control. The Nazification of all aspects of German life contributes as much, or perhaps more, to the formation of a child's character and education as the instruction at school and the contact with teachers and other children. This analysis will therefore consider the influence of the school as well as that of other agencies of control on the child and the adolescent.

According to an editorial of the official journal of the German educators, "*Mein Kampf*, the immortal work of the Leader, is our infallible pedagogical guiding star."<sup>1</sup> In a series of police measures all German schools, from grade schools to universities, have been put under the domination of the Nazi party. By May, 1939, the number of private schools had dropped to 207 with a total enrollment of 16,537. Of these only half were attended by pupils of "German or racially kindred blood," while most of the other half were schools for Jewish children (about 7,000), to whom the public schools are denied, with a few for children of

<sup>1</sup> *Der Deutsche Erzieher*, November 11, 1938.

foreign nationality.<sup>2</sup> Catholic and Protestant private schools have been forbidden, so that all schools of all types are now operated and controlled solely by the national government.

### *The Grade Schools*

Beginning with the grade schools (for children from six to ten years) we find that the number of schools and teachers has decreased while that of the pupils has remained fairly stable. From 1931 to 1939 the number of grade schools declined from 52,959 to 50,745, the number of classes from 195,122 to 185,891, and the number of teachers from 190,371 to 174,552. In the same period the number of pupils dropped only slightly from 7,590,466 to 7,486,658. The density of pupils per classroom thus rose from 38.9 to 40.3, and the number of pupils per teacher from 39.8 to 42.4.<sup>3</sup> Since one third of all German grade schools are one-class schools, the actual density per classroom is often between 50 and 60.

The compulsory school attendance was set by the law of July 6, 1938, at eight years, that is, from six to fourteen years of age. Schleswig-Holstein used to have a nine-year term of compulsory education, but the Nazi reformers cut it down to eight, as a measure of unifying the Reich more firmly. The compulsory school age was already undermined before the situation created by the present war, which gives children furlough from school to work where their labor is especially needed, as it is on farms. Since 1937, children in the upper two forms in the grade schools have received the first training in trades and technical skills so as to shorten their period of apprenticeship when they start out to work at the age of fourteen. In April, 1942, all children of ten or more were mobilized to help farmers with the spring sowing and in the summer with the harvest. This naturally meant that

<sup>2</sup> *Deutsche Wissenschaft, Erziehung und Volksbildung*, August 20, 1940. This paper is the official organ of the Ministry of Science, Education, and Popular Instruction.

<sup>3</sup> *Deutsche Wissenschaft, Erziehung und Volksbildung*, August 20, 1940, contains a complete set of statistical data relating to grade schools as of May 25, 1939.

they were taken out of school for the period of their work on the farms.

The shortage of teachers has increased the average age of the grade school teachers. In 1938 the number of grade school teachers below forty years of age had sunk to less than one quarter of the total number of teachers. In the high schools, only 19 per cent of the teachers were below forty-six years. Both in the grade schools and in the high schools over one half of the teachers are over fifty years; in the high schools one half of the teachers are close to sixty.

The Nazi regime cannot be held responsible for the number of pupils, but it is directly responsible for the lowering of educational standards. First, many teachers have changed their vocation since 1933. Those who had good party connections have found more lucrative positions in the administrative agencies and offices of the national or municipal governments. Many have found profitable positions in the vastly increased bureaucratic staff of the Nazi party itself or in one of its subdivisions and allied organizations such as the SS, SA, Hitler Youth, and German Labor Front. Second, the introduction of military conscription and compulsory labor service by the Nazi regime meant that for two and a half years no candidates were available for teachers' training. Third, many teachers have gone into private industry and private employment "because it offers better compensation and more just recognition of work rendered."<sup>4</sup> The salaries of teachers are considerably lower than those of typists or junior clerks in private or public employment. The serious decline of the number of grade school teachers has led to the lowering of the duration and quality of the teacher's training. Both the prerequisites for the training of teachers as well as the length of the training were reduced in March, 1941. This constituted a permanent measure and not a war emergency measure.<sup>5</sup>

<sup>4</sup> *Der Deutsche Erzieher*, December 1, 1938.

<sup>5</sup> For more details see *Deutsche Allgemeine Zeitung*, March 11, 1941.

All teachers are members of the National Socialist League of German Teachers. Before 1933 a large number of the grade school teachers were Nazi in sentiment, though not always openly. A combination of militarism and nationalism had formed the traditional pattern of the German grade school teacher since the conquest of Germany by Prussia in 1870. But after 1933 many teachers were disappointed in the changes which the Nazi regime has effected in their position. The committee system was replaced by the leadership principle in the schools. The heads of schools are appointed by the government not on the basis of merit or seniority, but on that of party membership. The lower the party number, the better the chance of appointment. The new heads, mostly young men with excellent experience in the party or the Storm Troopers, have been viewed with distrust and hostility by the teachers. The leader of the National Socialist League of German Teachers is Fritz Waechtler, a Storm Troop leader before he was appointed to his present position by the Leader in 1935. He has supreme authority over all German teachers, from the grade school to the university. The party holds every school head responsible for the conduct of the teachers and thus forces him into the position of being a police spy. Even many of the former nationalist teachers are worried. They now see that the Nazi regime has brought them the "political" school rather than the school which has a good share of "healthy nationalism."

All books which are considered unfit for little Nazis have been eliminated from the school libraries and from the lists of permitted textbooks. The textbooks are not uniform for the whole Reich, but they must be passed by the Ministry of Education. Lists of approved texts are regularly published in the official journal of the Ministry of Science, Education, and Popular Instruction, called *Deutsche Wissenschaft, Erziehung und Volksbildung*. Since 1933 the new textbooks for school children deal with the following topics: race, the German people, stories of

great heroes and soldiers, Germany's task in the world, anti-Semitism. Special books are devoted to the lives and works of the Leader, Goering, Himmler, Streicher, Goebbels.

Arithmetic is taught in the following manner: The Nordic blood proportion of the German people is four fifths. One third of this group is blond. How many blonds are there in the total population of sixty-six million? Or a small machine gun mows down an enemy reconnaissance unit. Of a total of two hundred and fifty shots, twenty hits are registered. Express this figure in percentages.

The Franz Eher publishing company, owned by the party, and the publisher of *Mein Kampf*, has done, so far, the best business in the new textbooks for school children. Books which it brings out receive good publicity in the official educational and school journals. At times the school children have to buy a Franz Eher text. Thus it published in 1938 a volume called "Struggling for Germany (*Im Kampf um Deutschland*)" by the Nazi leader Philip Bouhler. The Minister of Education immediately ordered that every child would have to buy the book.<sup>6</sup>

Over five million school children are also regularly buying an illustrated magazine called "Help Along" (*Hilf mit!*). It regularly carries articles on the following topics: youth in the Nazi regime, athletics and hiking, military education, aviation, air-raid protection, crafts, Germans abroad, colonial questions, art, Germanic prehistorical and pre-Christian religions, world war, contemporary political history, race science, race biology, puzzles.

The Ministry of Science, Education, and Popular Instruction regularly issues lists of books which are recommended for purchase by school libraries. These lists are published in the official journal of the ministry. Typical titles published in 1939 were as follows: *The Germans and the Sea, Bismarck and His Time*,

<sup>6</sup> *Voelkischer Beobachter*, July 12, 1938, and *Deutsche Wissenschaft, Erziehung und Volksbildung*, January 5, 1939.

*Julius Caesar, The Conquest of Mexico, German Nurses on the Front, He and His Company: A War Novel of Comradeship in 1918, Four Years of Trench Warfare in the West, The Four Year Plan in Arithmetic, Races, Nations, and Peoples, German Science and the Jewish Question, Soldier and Fighter, The People in Arms, God's Navy.*

The type of race science which is officially recommended by the Ministry for school libraries may be gathered from *The Poisonous Mushroom (Der Giftpilz)*, published in 1938 in Nuremberg.<sup>7</sup> The poisonous mushroom is the Jew. In a series of little stories and poems the children are taught the character of the Jew. A mother teaches her child in the beginning that "just as a single mushroom can kill a whole family, so a solitary Jew can destroy a whole village, a whole city, even an entire nation." The Jew is "the Devil in human form." One child exclaims as follows on the baptism of Jews: "I do not understand why these priests go on baptizing Jews even today. By doing so they admit a criminal mob into the churches." Another little story shows how the Jew entices little children to his home by giving them candies, but is caught by the policeman and hauled off to prison before he can abuse them. Another tale deals with a girl who is sick. Her mother sends her to a Jewish doctor. The girl first refuses because she has been told about Jewish doctors in the Hitler Youth. However, she obeys her mother. "She went to the Jewish Doctor Bernstein. Inge sits in the waiting room." She thinks of what she has been told about the Jews. "Suddenly, a girl's voice comes from the doctor's office: 'Doctor, doctor, leave me alone!' Then she hears the mocking laughter of a man. Suddenly everything is quite still. Inge has listened breathless." The doctor at last enters the waiting room. Inge screams. The face of the doctor "is the face of the Devil. There is a grin which says: 'At last I have you, little German girl!' And then the Jew goes

<sup>7</sup> All the above titles have been gathered from *Deutsche Wissenschaft, Erziehung und Volksbildung*, January 5, 1939, January 20, 1939, and February 20, 1939.

to her. His fleshy fingers lay hold of her." But Inge, the little German girl, manages to escape and runs home. The following provides a little poetic expression of race science.

A devil goes through the land.  
The Jew he is, known to us all,  
As murderer of the peoples and polluter of the races  
The terror of children in every country!

In addition to the prescribed Nazi propaganda in the textbooks and school libraries and magazines, the film has taken an increasingly important place in the educational scheme. In 1939, for instance, the following films were officially recommended by the Ministry of Science, Education, and Popular Instruction: "Sudeten Germany Comes Home," "Who Wants to Join the Army?" "German Land in Africa," "The Campaign in Poland." The latter film, also shown abroad and in the United States, gave a very realistic picture of the carnage involved in *Blitz* war, and naturally stressed the terror and invincibility of German power. The minister also ordered the headmasters of schools to compel the children to see the films not in the regular theaters but in the schools. This was apparently to make sure that no child could miss the showing of the film in school by falsely alleging that he had seen it already in the regular theater. In 1940, the schools were all "recommended" to exhibit another film of realistic warfare and German triumph, "Victory in the West," which depicted the defeat of the French and Belgian armies in the spring campaign of 1940.<sup>8</sup>

Shortly after war broke out in 1939 the Nazi association of grade school teachers, of which every German grade school teacher is a member, set up a special war program. The following principles, or points, are now guiding the instructional program

<sup>8</sup> *Deutsche Wissenschaft, Erziehung und Volksbildung*, February 5, 1939, March 20, 1939, October 5, 1939, February 5, 1941.

of the grade school:<sup>9</sup> Each week is started out with a war celebration hour. Current military events as well as great military deeds in Germany's past are celebrated. The whole week's program has to follow the "spirit" of this festive hour initiating the week. At the end of the hour a slogan is announced which summarizes the program of the coming week in a catching phrase. These slogans are sold weekly by the government to schools and are hung up in each school or classroom in conspicuous places so that all the children see them all the time. The subscription rate is about five dollars per annum.

Under this new program the magazine for grade school children, *Hilf Mit!*, is filled with even more military propaganda than it contained before. The circulation is given as five million, but officials of the organization of grade school teachers estimate that at least twelve million people read the paper, for many parents are regular readers. Therefore this paper also has the function of imbuing the parents of the children with war enthusiasm.

Essay competitions have been organized on the following topics: What Children Can Do to Help in Air-Raid and Fire Protection; How Children Can Help the War by Collecting Old Clothes, or Scrap; How Children Can Help the Farmer by Working on the Land.

The next point of attack of the new educational program is the publication of pamphlets aimed to cultivate militaristic attitudes (*wehrgeistige Erziehung*). These pamphlets have been published by the organization of grade school teachers in conjunction with the military authorities. They are so cheap (only three or four cents apiece) that individual children are encouraged to buy them. Five main topics are dealt with by these educational pamphlets: The armed forces of Greater Germany; How the army of the Leader created Greater Germany; Our Westwall

<sup>9</sup> Hans Stricker, "Einsatz des NS.-Lehrerbundes fuer den deutschen Freiheitskampf," *Die Deutsche Volksschule*, 1 (1939), 457-62.

is unconquerable; Volunteering for the German army; He who wants victory must be able to fight.

Another aspect of the new educational program is concerned with radio broadcasts from the schools to the parents, especially the mothers at home. The war celebration hour initiating the work of each week and other military programs of the grade school are broadcast over the radio so that the parents, mostly mothers, will be convinced that in the Nazi Reich their children get the right kind of education.

The next point of the program states generally that the whole instructional program has to be co-ordinated with the war objectives. In the teaching of history a program has been recommended along the following lines: In the first month of the year there are two main history topics: The Leader created Great Germany; Great Germany struggling for its existence. The second month is to take up this historical topic: The Leader tore apart the chains imposed upon the German people by the enemies at Versailles. The third month of history teaching covers this topic: In the World War the enemies sought to annihilate the German people and the German Reich. And so it goes on until the climax of history teaching is reached in the eighth and last month in the following topic: One people—one Reich—one Leader. The last subtopic of the last topic is a historical appreciation of the Leader as a military genius.<sup>10</sup>

In geography the instruction concentrates on military and strategical problems, such as lines of communication on land and on the sea, the geographical causes of Germany's need to fight on more than one front. The children are also trained, through excursions into the countryside, to draw simple military maps.

In the teaching of German the essays are written to celebrate the heroic element in war. Girls have to write on topics con-

<sup>10</sup> Paul Melzer, "Geschichtliche Gegenwartskunde als politische Aufgabe der deutschen Volksschule," *Die Deutsche Volksschule*, 3 (1941), 15-22.

cerned with what the women can do for the folk community in time of war.

Physics and chemistry are focused on practical problems which will better explain to the children their tasks in air-raid protection or fire-protection. Special emphasis in physics and chemistry is also given to ersatz materials, especially those which are essential for the winning of the war.

As a regular part of the curriculum at the end of each week the teacher gives to his class a survey of the week's events. In this survey he has to emphasize first the military events of the week. He then explains the addresses of the Leader, if any, and the new laws and regulations issued by the national or local authorities. Particular attention must also be given to the "atrocities propaganda" in foreign countries and to the "whispering propaganda" inside Germany. The teacher must also read to his children letters by soldiers written to their families because of the "emotional effects of such letters on the pupils."

Finally, the teacher has to take out his classes periodically into parks or hospitals where the children sing soldiers' songs or patriotic tunes. The main purpose of these expeditions is to cheer up the population on the home front. But the children are also thereby enabled to send books of songs to the soldiers at the front through the following scheme. When the children prepare to sing in parks or public squares they offer song sheets for a penny or two. With the money thus collected they purchase books of military songs. These books are inscribed with the names of the schools which collected the money for them and they are then sent to the soldiers at the front.

Early in 1940 the whole German system of "middle schools" (for children from ten to fourteen) was adapted to the Austrian type of middle school. In the opinion of the Nazi leaders the old German school was too vocational, whereas the Austrian type was aimed more at the development of a full personality than at the training of an expert. In particular, as the Minister of Edu-

cation explained at the time of the reform, the Austrian school system had shown sufficient superiority over the German system because the Leader himself was, after all, a product of the Austrian school system. The most serious consequence of the Nazi reforms of the middle schools has been the amazing drop in the number of *Gymnasien* in Germany. At one time this educational institution which prepared for the university produced the famous German scholar who had amassed a remarkable amount of knowledge in eight years of classical and humanistic studies. The *Gymnasien*, apart from a few which have historical value, are rapidly disappearing by order of the regime. A new general type of high school is taking their place and will lay more stress on the Nazi ideas and ideologies and on military and paramilitary training.

The spread of educational opportunity has always been less wide in Germany than in the United States, but has considerably narrowed since 1933. Both the number of pupils continuing their formal education after the compulsory school age of fourteen as well as the number of university students is proportionately much lower in Germany than in the United States. Only one out of every ten pupils in Germany continues his formal education after fourteen years of age, whereas in the United States the compulsory school age ranges, in various states, from sixteen to eighteen. Moreover, in Germany only one out of every hundred and twenty grade school pupils is a university student, whereas in the United States the proportion is one out of seven grade school pupils. The number of university students as compared with the total number of grade school pupils has increased in the United States in the last ten years, but has continually decreased in Germany under the Nazi regime.

From the available evidence it seems that the general standard of education in the grade and middle schools has gone down considerably. Since the mass of the population attends school only until the prescribed compulsory age of fourteen, this decline

is serious. In fact, it is so serious that it has been frequently discussed by educational authorities in Germany. First, the children are kept too busy by the Hitler Youth organizations and by various drives, collections, processions, organized hikes, mass meetings, and other activities whose purpose is never to leave the child too much to his parents, let alone to himself. He is made to feel that he is part of a mass which is led by leaders from above. Participation in directed mass activities rather than the habit of individual reflection is impressed on the child as desirable. As a consequence, the time allotted to schoolwork of the old style, when a child just sat down and learned his assignment, is necessarily limited. Criticism of the low achievements of the pupils has become so general that even a high government official admitted that "the serious complaints about the defective standards of achievement in German schools which are heard everywhere in an ever-increasing degree deserves the closest attention."<sup>11</sup> Early in 1941 an agreement between the school authorities and the Hitler Youth was arranged whereby the parents would be able to see their children for two Sundays a month without interference from Hitler Youth or extracurricular school activities.

Shortly after war broke out in 1939 the following warning of the Supreme Command of the armed forces in Germany was published in the official journal of the grade school teachers' organization: "Experience in time of peace has shown that a further lowering of education would no longer be tolerable for the officer candidates without grave damages. The minimum requirements could just about be met at the outbreak of war. Losses occur especially in the ranks of young officers. A further lowering of the educational standards of the officer candidates

<sup>11</sup> Ministerialdirektor Dr. Albert Hofleider, "Leistung und Musse," *Deutsche Allgemeine Zeitung*, April 27, 1941. See also Willy Beer, "Mehr Lernen," *ibid.*, January 12, 1941, and "Schule, Hitler-Jugend und Elternhaus," *Das Reich*, February 16, 1941.

is to be prevented only if the future education imparted at schools is better than at the beginning of this war.”<sup>12</sup>

### *The Universities*

Far-reaching changes in the educational system have also been effected by the Nazi regime on the college and university level. Germany has 23 universities in which general programs of instruction are offered, and 83 colleges and institutions of higher learning which offer instruction in one technical field, such as engineering, mining, forestry, agriculture, or commerce. This number of 83 specialized colleges includes 15 Catholic and Protestant seminaries offering instruction in religion and theology, as well as 28 teachers' colleges. This figure is not too impressive as compared with the 1,699 colleges and universities in the United States, even allowing for the fact that the German universities serve a population only slightly over one half of that living in the United States. The number of students in colleges and universities in National “Socialist” Germany is proportionately only one fifteenth of the college and university students in the “plutocratic” United States. Before the Nazis came to power the United States had proportionately about eight times as many students in institutions of higher learning as Germany. Since 1933, the number of students as compared with the total population has continually gone up in the United States, whereas it has steadily gone down in Germany under the Nazi regime.

The much-vaunted academic freedom of thought in German universities under the Second Reich and the republic was due to the fact that the most severe selection was applied in the appointment of teaching personnel. The faculty members were recruited almost entirely from the ranks of the upper and upper middle classes. The organization of the universities was largely responsi-

<sup>12</sup> *Die Deutsche Volksschule*, 1 (1939), 469.

ble for this selection. A young man who showed scholarly ability in his publications was granted the *venia legendi*, i.e., the privilege to give courses at the university. He was called *Privatdozent*. This position was not connected with any definite appointment or salary, and its compensation depended upon the fees which the students paid. After a number of years he was appointed professor extraordinary, or *ausserordentlicher Professor*, in which position his income was made up of a very modest salary plus revenue from fees. Finally, at the end of his career, he was appointed full professor, or *ordentlicher Professor*. Only one third of the university teachers had the rank of full professor. Many professors, probably the majority, died or retired without having reached the rank of full professor. This meant, of course, that the average *Privatdozent* or professor extraordinary could choose the academic career only if his family was well to do or if he married a wealthy girl. The academic career was considered a lofty profession rather than a means of making a living. Although in some ways this conception led to many of the great triumphs of German learning, it confined the teaching personnel to the members of the upper and upper middle classes. This also explains why the university teachers enjoyed freedom of teaching. They belonged to a social class which had made its peace with Bismarck and militarism in the Second Reich. Apart from occasional rebels, for whom there was relative tolerance in the Second Reich, the mass of professors were quite happy under the existing political regime. It is doubtful whether there were more than a dozen professors before 1914 who were members of the socialist party in Germany.

Under the Republic the universities considered it as their primary task to defend their social privileges against the "dangerous ideas" of the republican parties. Under the cloak of academic freedom they assisted in the destruction of the Republic. The world of Bismarck and Prussian military glory had gone, but the majority of the university teachers were united in the

desire to re-establish the good old times. Therefore they naturally veered toward the conservative and nationalist parties. Although the Nazi party itself never found too much favor with the teaching personnel in universities because of the methods of terrorism they employed, the majority of professors were in favor of the overthrow of the Weimar Republic. But what they wanted was not the rule of the Gestapo, but rather a "decent" and "civilized" regime of an authoritarian and conservative character. Under the cover of academic freedom they continually attacked the principal ideas of the Republic, and resisted the appointment of genuine republican scholars.

Nothing is more characteristic of this period in the life of the universities than the following illustration. The State of Baden, during fourteen years of a socialist-led coalition government, had three socialists on the faculties of its three universities and colleges. As with other institutions of the Republic, the republicans never understood that a political system cannot be worked successfully by people who hate its fundamental ideas. Even the socialists did very little to weaken the pure class character of the universities.

Although in the United States a very large number of students come from families of low income, such as farmers and workers, the social structure of the student body in Germany was quite different. There in 1931, that is, after thirteen years of republican government, 34.1 per cent of the students came from the upper classes, 59.2 from the middle classes, and 5.9 per cent from the working classes. The universities therefore represented, even under the Republic, a bulwark of antirepublican sentiment.

No instance is recorded, during the existence of the Republic, in which an antirepublican professor was ever attacked, threatened by students, or dismissed from his position because of subversive activities. But there were several professors who found it extremely difficult to keep their positions if they antagonized their nationalist and Nazi students and colleagues. In 1925 Pro-

fessor Theodor Lessing of the Institute of Technology at Hanover attacked the candidacy of Hindenburg for the presidency. Since he made some remarks which militaristic students thought insulting, he found teaching extremely difficult after that time because these students would attack him and try to break up his classes. When the Nazis came to power, he fled to Czechoslovakia, where he was murdered by Nazi emissaries in Marienbad on August 31, 1933. Professor E. J. Gumbel of the University of Heidelberg was one of the best-hated republican professors in Germany because he dared to publish studies relating to the organized nationalist and Nazi murders of liberals and republicans in the early years of the Republic. He was one of the few republican professors who dared openly to attack German militarism. As a consequence he lost his position in 1932, even before the Leader assumed power.

Shortly after the Nazis came into power they issued the law for the "restitution of the professional civil service" which, more succinctly, was a law for the purification of the civil service. Members of the instructional staffs in the universities were subject to this law, even those who, like all *Privatdozenten* and many professors extraordinary, were not civil servants according to the provisions of their appointment. Under this law all professors had to be dismissed who were appointed after November 9, 1918, and were "not suited" to their jobs. Likewise, "non-Aryan" professors, that is, those with at least one Jewish grandparent, were to be dismissed in a mandatory fashion. Further, dismissal was provided by the law, but not mandatorily, for all civil servants (including professors) whose political record before 1933 did not give sufficient guarantees that they would worthily represent Nazism under the new regime. The political record was to be judged in terms of membership not only in political parties but also in other organizations. Thus membership in the German branch of the International League of the Rights of Man or in the association of republican civil servants was considered sufficient

grounds for the dismissal of a professor. Later regulations in 1935 provided that professors could be retired prematurely if their subjects were changed or were transferred to new faculties.

Before the Nazi regime the German universities and colleges were under the jurisdiction of the states in which they were located. Since the abolition of states as independent governmental units, all institutions of higher learning are controlled and operated by the national government.

The internal organization of the universities has also undergone radical changes in the last ten years. Even under the Republic the administration was by no means as democratic as in England or in the United States. The head of the internal university administration was the rector (*Rektor*). He was elected annually; but only full professors, about one third of the faculty, had the right to vote. He was assisted by the deans of the major four or five schools, such as medicine, law and political economy, philosophy, and mathematics and natural sciences. The deans, too, were elected for one year, and by full professors only. Thus a very small group of men determined the administration of the university, subject always to the control of the state governments.

With the coming of the Nazis this relatively liberal university setup has been fundamentally changed in conformity with the Nazi principle of leadership. The rectors are no longer elected but are appointed by the Minister of Education in Berlin to whom alone they are responsible. The two other officials most influential in the university are the leader of the teaching staff and the leader of the students. Both are appointed by the Minister of Education in Berlin. The deans of the four or five schools or colleges making up a university are appointed by the minister in Berlin on recommendation of the rector. The administrative hierarchy in the university is now the following: first comes the rector who is officially styled the leader of the university. Next is the leader of the instructional staff. Next comes the leader of the Nazi students' union to which all students are compelled to

belong. Next are what have now become such minor officials as deans of colleges. Finally comes the leader of the group comprising all assistants and *Dozenten* at the university. All these executive officers are appointed directly by the Minister of Education in Berlin.

The selection of new personnel is effected by new methods. In the pre-Nazi days the granting of the *venia legendi*, the privilege of teaching in an institution of higher learning, meant that the candidate could actually teach. Since December 13, 1934, scientific competence in a given field of knowledge is no longer sufficient. After a candidate has received from a university the certification of his qualification he has to enter an observation camp for six weeks where his character traits and views are carefully studied by Nazi superiors. Only after the ministry has approved of his record both from the scholastic point of view as well as on the basis of the reports on his behavior and views as a Nazi, will it grant to the candidate the license to teach. Without this official license no person may receive an appointment at any institution of higher learning.

The individual faculty member is thus under the permanent observation of the following officials: the rector, dean, leader of the instructional staff, leader of the Nazi students, leader of the *Dozenten* and assistants, and leaders of the Nazi student groups in the schools of law, medicine, philosophy, and the like. Spying on colleagues is the order of the day. An American sociologist, Dr. Edward Y. Hartshorne of Harvard University, is the authority for a typical incident at a German university. German professors do not ordinarily have individual offices but share one large "faculty room" for all staff members of a school or college. One day a professor chanced to leave his brief case behind in the faculty room. Opening it to see who the owner of the brief case was so that it could be returned to him, the colleagues were amazed to find that it contained "careless" remarks which a number of professors had made about government members or

about Nazism in general. When challenged by some colleagues as a Gestapo agent in their midst, the professor defended himself by saying, "You don't suppose I am the only one, do you?"<sup>13</sup>

The decline in the number of persons enrolled in German universities and colleges has been one of the most dramatic events in the whole history of Nazism. In the year 1931-32, the last pre-Nazi year, the number of enrolled students in German universities and colleges was 127,920. This total number, which dropped after six years of Nazi rule to 58,325, was more than halved. On closer analysis the figures reveal interesting facts. Thus the decline in the enrollment at institutes of technology has been proportionately the sharpest, from 20,474 in 1931-32 to 9,554. The number of women students has declined in the same period from 19,147 to 6,698. The Nazis believe that women are unduly prevented from fulfilling the biological function assigned to them by the Leader if they embark upon lengthy professional careers. Before 1933 the *Statistisches Jahrbuch fuer das Deutsche Reich* used to publish regularly the number of foreign students enrolled in German universities, including the countries of their origin. Although the size of this official German statistical yearbook has steadily increased since 1933, the information relating to universities has been cut down to about one fourth of its pre-Nazi measure. Among other data no longer statistically listed is the number of foreign students. But estimates based on the data still available suggest that the number of foreign students, like the general enrollment, has gone down by about one half. The students from western nations, such as England, France, and the United States, have stayed away almost completely since 1933. The Axis countries and Southeastern Europe were the major areas from which foreign students came to Germany.

The decline in the number of students is due to several causes. The Nazi leaders including the Leader are filled with a

<sup>13</sup> Edward Y. Hartshorne, "Harvard Instructor Reveals Nazis' Effect on Education," *The New York Times*, August 25, 1940.

"deep contempt for intellectuals" which resembles the "contempt of the soldier for the ideologue."<sup>14</sup> *Mein Kampf* is filled with invectives against intellectuals, scholars, professors. The storm troop leaders, the core of the Nazi party, have never been chosen according to scholarly proficiency. Under the Second Reich the most honorable career was the army. Next came industry and engineering. Only in the Republic did intellectuals obtain a social position of considerable esteem.

Since 1933 the talented young German knows again that the university is not the road to a great career. The party, the police, and the public service offer ample opportunities to young men who have shown special ability in skillfully obeying their superiors and in ruthlessly commanding their subordinates. The practitioner of violence rather than the expert in logical or professional argumentation is on the top of the power ladder of the Nazi regime. The very backgrounds of the Leader and his most intimate associates, men like Goering and Himmler, show to young men that skill in manipulating power and force rather than academic training is the avenue to social and political success.

The introduction of two years of military training and a half year of compulsory labor service has further accentuated the social selectivity of German university students. Parents now have to support their sons for another two and a half years. Since the proportion of students coming from the "lower classes" was only 5.9 per cent even before 1933, the element of privilege attached to a university training has been strengthened under the Nazi regime. The number of students who are totally or partly self-supporting at American universities amounts to about 40 to 60 per cent of the students. In Germany before 1914 practically no students worked toward a degree while supporting themselves. Under the Republic, the *Werkstudent* (working student) began to appear in the universities, although in very small numbers.

<sup>14</sup> Neesse, *op. cit.*, p. 683.

Travel accounts and magazine articles on the United States regularly featured the American student who worked for a living while attending college. Under the Nazi regime this trend has been reversed, and it is again only the children of the middle and upper classes who are able to go to college.

Another reason for the decline in the number of students is the abolition of the right to a university education. Before 1933 every German who had the required educational qualifications had the right to be admitted to any university in the Reich. Now this has been thoroughly changed. In the official wording of the regulations governing the admittance of would-be students, special consideration must be given to the candidate if he belongs to the SA (Storm Troopers), the SS (Elite Guards), or the Hitler Youth. The law provides that first place is to be given to members of the Nazi party whose membership number is below one million, as well as to noted members of the various organizations connected with the party. Second place is accorded to members of the armed forces.

Finally, a number of students have been unable to obtain admission to German universities because of physical unfitness. Under the existing regulations, applicants who are not physically fit are not to be admitted because they will be unable to be leaders in the Nazi organizations, the army, and armed formations of the party. Dr. Goebbels, who happens to be afflicted with a club foot, must surely consider himself fortunate that he attended the university at a time when the German government was not so particular about perfect physical fitness for the leaders of the German people. A moot problem, which German educational experts have been unable to solve so far, is whether bodily size *à la* Goering would be permitted under the present regulations governing physical fitness.

According to the *Frankfurter Zeitung* of December 3, 1941, Germany will have to expect in the next decade a deficit of from 50,000 to 80,000 university students. The government has an-

nounced that during this war it will grant exemptions from the payment of fees to men who have served with the armed forces. However, a glance at the scale of exemptions shows that they are very meager as compared with the privileges which American veterans received after the first World War in American universities and which they will no doubt receive after this war is over. Only men who have served with the German armed forces over three and a half years, of which two must be during the war, will be completely exempt from the payment of the university fees. The exemption goes down proportionately as the term of service goes down. The lowest exemption will be received by students who have served with the armed forces for over two years, of which half a year must have been in time of war. They will receive a discount of only 25 per cent in the payment of university fees.<sup>15</sup>

The decline in the number of students and the elimination of scholarly ability as the main criterion for admitting students are also reflected in the figures relating to the use of university libraries. The number of the users of eighteen leading university libraries dropped from 37,000 in 1932 to 16,000 in 1937. Statistics compiled for ten leading universities showed that the average daily attendance of the reading rooms in those libraries was 3,357 students in 1932-33. By 1937-38 this daily average had fallen to 1,169 readers. It can thus be seen that the decline in the use of university libraries was two thirds, whereas the decline in the number of students was only about one half.<sup>16</sup> This disproportionate decline in the use of the libraries by students is due primarily to the enormous growth of compulsory extra curricular activities of students in the various Nazi student organizations, storm troopers, and the other party units. To some degree it is also a result of the general decline in the social prestige of book

<sup>15</sup> *Deutsche Allgemeine Zeitung*, May 1, 1941.

<sup>16</sup> Wolf von Both, "Die grossen deutschen Bibliotheken," *Zentralblatt fuer Bibliothekswesen*, 56 (1939), 188 ff.

learning as compared with the "fighting experience" gained by young men in actual combat with the internal or external enemy.

### *Curriculum Changes*

The curriculum in German universities and colleges has been changed for the sake of two main objectives: first, to prove throughout all branches of knowledge that the German people is the anointed master race fit to rule the world. This is called, in German, *Rassenkunde*, or knowledge relating to race. The second objective is to tell the German student how this asserted superiority must be enforced by conquest. This is called, in German, *Wehrwissenschaft*, or the science of war.

The University of Berlin alone regularly lists from twenty-five to thirty-five courses and seminars in race science. It is well known abroad that all the social sciences and humanistic studies in Germany have been put into the service of race science. It is less known that even the natural sciences have been turned into propaganda vehicles of racism. Professor Philipp Lenard, one of Germany's leading physicists, wrote in the preface to his monumental work *Deutsche Physik* (*German Physics*): "'German Physics'? one asks. I might have said as well Aryan Physics or the Physics of the Nordic Species of Man, Physics of those who have fathomed the depths of reality, of seekers after truth, Physics of the very founders of science. But it will be replied: 'Science is and remains international.' It is false. In reality, science, like every other human product, is racial and conditioned by blood."<sup>17</sup>

Another leading German scientist, Professor Johannes Stark, head of the German National Institute of Physical Science, wrote that it can be adduced from the history of science that the "founders of research in physics, and the great discoverers from Galileo to Newton to the physical pioneers of our time, were

<sup>17</sup> Philipp Lenard, *Deutsche Physik* (2nd edn., Munich-Berlin, 1938), I, ix (preface).

almost exclusively Aryan, predominantly of the Nordic race.”<sup>18</sup> It is most generous of Professor Stark to award Galileo the status of an honorary Nordic in conformity with the Rome-Berlin Axis forged by the two Leaders of Italy and Germany. Likewise, no reader of Professor Stark’s words—“almost exclusively Aryan”—would suspect that of the twenty-eight Nobel prizes awarded to German scientists in physics, chemistry, and medicine between 1901 and 1927, six and a half were awarded to German scientists who were Jewish.<sup>19</sup>

In 1937 the Nazi mathematicians started a new journal under the name *Deutsche Mathematik* (*German Mathematics*). The editorial of the first issue states that the commonly accepted view, that the results of mathematical research must be judged independently from the “race” of the researcher, “carries within itself the germs of destruction and disintegration of German science. Our fanatical faith in the correctness of our view convinces us of the absolute falseness of those traditional liberal ideas.”

In the spring of 1941 the German government established a new German university in the formerly Polish city of Poznań, annexed to Germany after the conquest of Poland in 1939. It includes all faculties which a traditional German *Volluniversität* (university offering instruction in all major fields of knowledge) has, except one: there will be no theological faculty. “Instead, a number of new chairs will be established,” we are informed by *Das Reich* of March 9, 1941. These chairs will substitute for the obsolete study of religion and theology, and are in the following subjects: race politics, history of the Jews, Germans on the frontier and abroad, politics abroad, intellectual history from the Nazi point of view, history of German folk music. The library of Polish books which the Polish University

<sup>18</sup> Johannes Stark, “The Pragmatic and the Dogmatic Spirit in Physics,” *Nature*, 141 (1938), 772.

<sup>19</sup> Carl C. von Loesch and Ludwig Vogt, *Das deutsche Volk* (2nd edn., Berlin, 1938), p. 297.

of Poznań possessed until the conquest will not be available to the general public. "Only reliable experts will be allowed to use these Polish books. Thus the use of Polish literature against the German interest will be impossible."<sup>20</sup> The population of Poznań and of annexed Polish West Prussia is almost entirely Polish. The Poles are no longer allowed to read the Polish books taken from them by force. At the time of the foundation of the new German University of Poznań (or Posen, in German) it was also officially announced that the new German university to be established at Strasbourg, in conquered Alsace, will be predominantly devoted to the strengthening of the sciences of race and *Volkskunde* (science of the German folk).

Another addition to German science is the Institute for the Investigation of the Jewish Question, established in Frankfort on the Main on March 26, 1941, and financed by the Nazi party. It is the first branch of a projected High Academy (*Hohe Schule*) of the Nazi party which will direct German science from a purely Nazi point of view. In inaugurating it, Alfred Rosenberg, delegate of the Leader in all matters pertaining to the intellectual and ideological education of the Nazi party, boasted that the institute now possessed the greatest Jewish library in the world. This is probably true. Jewish libraries attached to the great rabbinical seminaries in Vienna, Warsaw, Wilno, Frankfort, and many other cities in German-occupied Europe have been ransacked, and hundreds of thousands of books shipped to Germany in order to facilitate "strictly scientific research" under the guidance of the Nazi party.

Race science as taught in separate courses, or as integrated with the traditional branches of knowledge in the social, humanistic, and scientific studies, tells the German students why Providence has, in its wisdom, chosen the German to rule the world. However, since the other nations are narrow-minded and fail to accept the results of this "objective" race science, it is neces-

<sup>20</sup> *Frankfurter Zeitung*, March 7, 1941.

sary to convince them by force. This is where the new Nazi science of war, *Wehrwissenschaft*, comes in. The catalogues of German universities list the following new branches of human knowledge: war chemistry, war geography, war geology, war mathematics, war physics, war politics, war psychology, war technology, war economics, war science, war medicine, war surgery, war history. War philosophy is the crowning new science of *Wehrwissenschaft*. All fields of knowledge in the universities and colleges are taught for their application in war. In addition to this instruction in the regular universities and colleges there are also the war academies, including special academies devoted to war in the air, to war medicine, and to veterinary war medicine. This type of war science is not an emergency measure since 1939 but has been carried on since 1933. Just as the distinction between war and peace is nonexistent for the Nazi, because he considers himself always to be in a state of total war with enemies who obstruct him in his quest for domination, so the distinction between science and war technology has been completely abandoned. A leading Nazi professor has put it succinctly: "Whichever field a youth of German blood studies, he is born as a future warrior."<sup>21</sup>

After the commencement of war in 1939 all German universities, with the exception of six, were closed. In addition, the old Protestant theological schools of Heidelberg, Leipzig, and Rostock were closed for the duration. It will be interesting to watch how the closing of three fourths of the German universities will affect the standard of German scientific output not only after the war but even during the war in terms of technological achievements for the war effort.

In one field the scientific work of students has been greatly increased. Since October, 1939, a War Propaganda Unit (*Kriegs-propaganda-Einsatz*) has been set up at the still existing univer-

<sup>21</sup> Albrecht Erich Guenther, "Die Aufgabe der Wehrwissenschaft an der Hochschule," *Zeitschrift fuer die gesamte Staatswissenschaft*, 95 (1935), 568.

sities and colleges. Five thousand students have been engaged in this work, which is described by the unit's leader as follows: Students of philosophy, for instance, examine the doctrines of British philosophers to "exploit individual quotations for political argumentation."<sup>22</sup> Students of literature examine the opinions of great, and less great, poets and writers on England. Students of law devote their efforts to British social legislation, penology, criminal law, and the "numerous British violations of international law." Students of art history collect the cartoons of all nations deriding John Bull. This, the official account informs us, is only a small part of the university work which these five thousand students are doing. By May, 1941, the students had read—"page by page"—no less than 6,200 voluminous scientific works, books, and pamphlets as well as British newspapers and magazines from 1900 to 1939. Exactly 20,160 excerpts from these sources had been compiled by May, 1941. The results of this "scientific" work of students have been arranged in a well-organized service and have been put at the disposal of newspapers, party bureaus, and official speakers. If the war will last long enough these "scientists" may go on reading the British press beyond 1900, and Germany may easily become the only country in the world boasting of scientists who have perused and digested the *London Times* since its foundation in 1785.

It is doubtful whether the German universities will recapture within a reasonably long period of time the achievements in science and learning which have been systematically undermined since the establishment of the Nazi regime. In the first three years of the regime 14 per cent of the teachers at German universities were dismissed for various reasons, political and religious. Famous Nobel prize winners in science who either were compelled to leave or exiled themselves voluntarily in protest against the regimentation of German learning, include names

<sup>22</sup> Baehr (Delegate of the Reich Student Leader), "Bausteine der Propaganda," *Das Reich*, May 4, 1941.

like Einstein and Franck in physics, Haber, Willstaetter, and Warburg in chemistry. When the Leader "brought home" Austria, as the Nazis put it, the dismissals of great scholars were carried out on an even larger scale than in Germany. The crime of most men removed from their positions was that they had been associated politically with the then existing Catholic and Fascist, yet anti-Nazi, dictatorship in Austria. The conquest of Austria showed that the destruction of learning in Germany would be repeated with even greater thoroughness wherever the Nazis set foot.

The conquest of Czechoslovakia was followed very soon by the shooting of patriotic Czech students and the large-scale deportation of students to labor camps in Germany, by the arrest of professors, and by the closing of the Czech universities after November, 1939. Even Czech secondary education has been greatly curtailed. The master race does not believe that subject peoples need intellectuals.

The same pattern was followed in the country next conquered, Poland. All universities and secondary schools were closed immediately after the conquest. The fate of the University of Cracow was a foreshadowing of the New Order for Europe and a world under Nazi domination. Early in November, 1939, the whole faculty of the University of Cracow was ordered by the German occupation authorities to appear at a lecture in the university auditorium. They would be told there, the German announcement stated, how to conduct their work under the New Order of the German administration. When the professors appeared in the auditorium, a short announcement was made that all members of the faculty would be immediately transported to various concentration camps in Germany.

About one fifth of the professors have died in the three years that have passed since that time. The number cannot be accurately ascertained, for news of casualties in the concentration

camps of these professors often does not reach the outside world until a long interval has elapsed.

Similarly, some universities have been closed and many professors forced to resign in the occupied countries in Western and Northern Europe. Sweden and Switzerland are the only two countries left on the Continent in which learning is still relatively free—relatively only, because Nazi power is also casting its shadow over these two little nations surrounded by the German armies. The Rockefeller Foundation estimated in 1941 that the number of university professors on the Continent has been reduced by at least 50 per cent. The whereabouts of many of these dismissed professors are unknown, for the terror of the Gestapo in occupied countries is especially directed against intellectual and scientific leaders. Known anti-Nazi scholars and professors have been shipped off to German concentration camps. Although the methods applied do not show the same intensity in all countries, the aim is the same everywhere: the extermination of the focal centers of national civilizations as potential centers of spiritual resistance against the chaos of the New Order symbolized by the German army and protectors like Himmler and Heydrich. Here again the behavior of the Nazis in foreign countries follows the pattern of their behavior displayed first in Germany. The Nazis learned from the conduct of the German professors after 1933 that most of them displayed little civic courage and were primarily anxious to adjust themselves to the new internal order. Nevertheless, the number of professors who chose voluntary exile in preference to servility in the Reich was relatively larger than that of any other professional group. In a country which has had so little experience in civic courage and practical freedom as Germany, the university professors showed more rejection, relatively speaking, of the Nazi faith than any other group of intellectuals with the exception of the Catholic priests.

Most of the exiled professors and scholars went first to

France and Great Britain. More and more they have found refuge in the United States. As early as 1933 Dr. Alvin Johnson, head of the New School of Social Research in New York, founded the now well-known "University in Exile" as a Graduate School of the New School of Social Research. This institution has been giving refuge to scholars from Germany, Austria, Czechoslovakia, Poland, Spain, France, Italy, and is now one of the vital centers of social studies in the United States. Its quarterly journal, *Social Research*, published since 1933, is one of the leading two or three American journals in the fields of economics and political science. Shortly afterward the Institute for Advanced Study was inaugurated at Princeton. It includes among its members Einstein, Weyl, one of the greatest living mathematicians, and other outstanding scholars in the natural and social sciences. It is primarily a research institution, although occasionally advanced lectures are open to the staff and students of Princeton University and other institutions. In 1941 a French university was established in connection with the New School. Many eminent French and Belgian scholars are already teaching at this new university in exile, where most of the lectures are given in French.

German university teachers and students are not allowed to go abroad for purposes of study, research, or lecturing without the permission of the Ministry of Science, Education, and Popular Instruction. Decrees issued by this ministry on June 22, 1935, March 28 and December 24, 1936, provide that each individual applicant must personally submit the reasons for his desired trip abroad. According to the decree of December 24, 1936, university teachers and students abroad shall on their arrival in a foreign country "forthwith get in touch with the competent local representative of Germany, with the foreign organization of the National Socialist party, and with the Branch Office of the German Academic Exchange Service." Scholars lecturing in foreign countries are required, according to the decree of April 20, 1937,

to submit to the Ministry of Science, Education, and Popular Instruction in Berlin two copies of their lectures to be delivered abroad. It can thus be seen that each and every German student or university teacher who is allowed to go abroad temporarily, receives this permission only if his trip is presumed to serve the Nazi cause. These academic persons abroad have to keep in close touch with the foreign branches of the Nazi party. The Leader cannot claim, however, that he has broken new ground in prohibiting German students from traveling abroad. Frederick the Great issued an edict in 1749, only three years after his accession to the throne, forbidding students to enroll in foreign universities and higher institutions of learning. The penalties threatening contraventions of this edict were "exclusion from the public service and, if the offenders were of aristocratic rank, confiscation of all their property."<sup>23</sup> This prohibition lasted for sixty-one years. It was abolished only in 1810 through the pressure of Wilhelm von Humboldt, one of the few German statesmen of liberal views who were temporarily influential in the government of Prussia after her crushing defeat by France in 1806.

<sup>23</sup> Wilhelm von Humboldt, *Gesammelte Schriften* (Berlin, 1903), X, 237

## *Chapter IX*

### Training for Leadership

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The Nazis were never completely satisfied with the conquest of the German Reich and its governmental machinery. We have seen how the Nazi party has built up a governmental apparatus of its own which competes, in some important respects, with the Nazified apparatus of the state. Likewise, we have noticed how the Nazi regime, impatient with the hesitant attitudes of some courts, has built up a new system of courts staffed with tested Nazi personnel, regardless of whether its members have judicial training or not. The German schools, too, have been enriched by some new types of schools, although the pre-Nazi system is under the complete control of party officials anyway. These new types of schools are the Adolf Hitler Schools, the National Political Institutes of Education, and the Order Castles.

#### *The Adolf Hitler Schools*

The Adolf Hitler Schools were established in 1937. Only boys are admitted. The boys start at the age of twelve, and spend six years in these schools. So far, only ten schools have been set up, for the outbreak of war interrupted the expansion of the program. As a result, all ten schools are operated on one estate in Bavaria for the duration of the war. The schools are not open

to everyone. The candidates are selected by the Nazi party. Only those members of the Hitler Youth groups are accepted who have shown the right character, from the Nazi point of view, the ability to lead, and outstanding athletic skills. The boys need not have outstanding scholastic records in their previous school experience; it is sufficient if the records are satisfactory. Even inferior scholastic records are accepted on condition that the candidate shows remarkable leadership ability.

Party membership of the parents is not absolutely necessary, but the parents must have given evidence of public activities in the service of the party.

The schools are operated financially by the party. All costs are defrayed by it, no fees being paid by the parents. Thus boys of the desired type are accepted regardless of the economic status of the parents. However, well-to-do parents are offered the "opportunity" of contributing according to their ability. Such contributions do not go to a particular school, but to the "Adolf Hitler School Foundation," which gladly accepts contributions of that sort.

The boys live in these institutions. Grades or reports are announced each semester. Unsatisfactory youngsters are quickly weeded out, preferably at the very beginning of their training. After six years, successful graduates have the choice of entering a university and preparing for a professional career, of joining the army, or of entering the bureaucracy, either of the state or of the party. Successful graduation means in any case the guarantee of a privileged career in the top levels of Nazi leadership and the certainty of economic prosperity.

The most prominent part of the whole training is its "political orientation."<sup>1</sup> This political orientation, we are informed in detail, centers around the "kernel fields" (*Kernfaecher*) of biology and the study of the German folk. The emphasis on biology is to give the boys an understanding of the race problem

<sup>1</sup> *Deutsche Allgemeine Zeitung*, February 23, 1941.

and its solution by the Nazi regime. A good deal of time is also spent on what is called "Glance into the World." Here the boys are trained to understand contemporary events by reading publications of the party and also by listening to assigned radio broadcasts. All have to take at least two foreign languages, Italian and one other. We should remember that Italy was the first non-German country to be taken over by the Nazis.

The instructional staff is selected by the Nazi party, and is composed of trained teachers and leaders of the Nazi party and Hitler Youth who have had no academic training or teaching experience of any sort. All teachers are employees of the party, and are members of the upper ranks of the Hitler Youth leadership. It is planned to establish special schools after the war in which the teachers of the Adolf Hitler Schools will be trained for their work. As yet no plans have been announced as to whether special schools will be instituted in which the educators of the teachers of the Adolf Hitler Schools will be trained. By the spring of 1942, seventeen hundred candidates had been accepted in the Adolf Hitler Schools. In the first three years, from 1938 to 1940, only three hundred boys were annually admitted from the whole Reich territory. Since 1941 this number has been upped to four hundred per annum. The admissions are performed in a very ceremonial fashion on April 20, the Leader's birthday.

#### *The National Political Institutes of Education*

The National Political Institutes of Education are essentially streamlined versions of the old Prussian military academies. Shortly after the accession of the Nazis to power the government took over three cadet schools in Prussia and transformed them into National Political Institutes of Education. "What had once been cultivated and bred in these Prussian cadet schools should come to life again: the soldierly spirit, with its attributes of cour-

age, sense of duty and simplicity. The new feature that is to develop here is the systematic training for National Socialism. For this reason the first head masters have been exclusively tested leaders of the Storm Troopers and the Elite Guards.”<sup>2</sup> This statement from a Nazi source proves that the National Political Institutes of Education represent the merging of Prussian militarism and Nazi storm trooperism which have made up, on a larger scale, the essence of German government since 1933. The first three National Political Institutes of 1933 have increased in the meantime, to thirty-one, distributed all over Germany, including Austria, the Sudetenland and Alsace-Lorraine. It is only fitting that this whole branch of education is under the personal supervision of an *SS-Obergruppenfuehrer* (high ranking officer of the Elite Guards). Most of the institutes opened since 1933 were former cadet schools. While the Adolf Hitler Schools prepare a selected group of boys for all types of party and state careers, the National Political Institutes focus their work more on the preparation of leaders for the armed formation of the Nazi party, such as the Storm Troopers, the Elite Guards, or for semimilitary positions in the compulsory labor service in which every German has to serve. Three institutes out of the thirty-one are girls’ schools. Labor service is also compulsory for all German girls; trained women leaders are therefore required for the management of these girl camps.

Because of the intimate relation of these schools to war, a considerable number of the existing institutes was set up after the outbreak of war in 1939. The whole program of the institutes, we are told, “is essentially centered around struggle and competition. Combat as the organ of selection in peace and war is the primary instrument of education in these institutions.”<sup>3</sup> The whole curriculum is centered on physical training supplemented

<sup>2</sup> “Zehn neue nationalpolitische Erziehungsanstalten,” *Deutsche Allgemeine Zeitung*, April 23, 1941. See also “Elitebildung,” *Das Reich*, April 27, 1941.

<sup>3</sup> *Das Reich*, April 27, 1941.

by Nazi indoctrination calculated to produce effective and politically reliable storm troop leaders and police officers. All institutes own their own horses, automobiles, and motorcycles for training purposes. Students are also required to take a full training in operating glider planes. The duration of the education in these institutes is eight years, after which graduates have the opportunity of entering a university. However, most graduates choose a career in the armed formations of the party, the labor service, or positions of leadership in the police.

#### *Order Castles*

The third type of the educational institutions designed to produce a new Nazi elite is the Order Castle (*Ordensburg*). From the thirteenth to the fifteenth century the Order of German Knights expanded the area of Germandom through conquest of Slav territories in the East. The Knights constituted an order based on the leadership principle and trained for conquest. The leader of the Order had the title of *Ordensmeister* ("Master of the Order"), and every Knight was pledged to absolute obedience to him. A Prussian publicist thus describes the methods of the Knights: "The Order of German Knights first built a castle on the border of the territory which it set out to conquer. Then it constructed castles in the areas already conquered. After the surrounding land had been conquered and the people subjugated, the Order sought to attract German settlers who founded villages and townships under the protection of the Order Castles."<sup>4</sup> The subjected Slav populations were turned into a mass of helots serving the military master race.

It is only against this historical background that the revival of the Order Castles by the Nazi regime can be understood. The Adolf Hitler Schools and the National Political Institutes of Education are training the Nazi elite. The Order Castles are

<sup>4</sup> Alexander Waeber, *Preussen und Polen* (Munich, 1907), p. 194.

training the most select members of that elite. In the words of Alfred Rosenberg himself, National Socialism is the continuation of the Order of German Knights, and its heritage, we are told by a Nazi paper, "has been handed on to us for its completion."<sup>5</sup>

Only about one fourth of the graduates of the National Political Institutes are admitted to the Order Castles. So far only four castles have been established. The neophytes do not spend their whole training period in one Order Castle, but transfer from one to another according to a predetermined scheme. Before the successful candidates are allowed to enter the first Order Castle they must serve their year of compulsory labor service and their two years of compulsory military service. However, even after these three years the successful candidate must wait for another period from one to three years before he is finally admitted. In this waiting period he has to prove in practical activities in Nazi organizations, preferably in the Hitler Youth, that he possesses the qualities which will justify his acceptance into the inner ranks of the Nazi elite.

The training in the Order Castles comprises four stages. The first year is spent in an Order Castle which specializes in race biology and related "sciences" and in the ideological preparation of the future leaders. Athletics occupy a relatively subordinate position in this first year of training. The second year is spent in an Order Castle which specializes in athletics and physical training from mountain climbing to sharpshooting and parachute-jumping. The third stage lasts a year and a half and is spent in an Order Castle which centers its training on political education as well as on physical training connected with mountain sports and military skills to be employed in mountain warfare. The fourth and final stage also lasts a year and a half and is spent in Marienburg, a revived Order Castle in East Prussia which goes back to the thirteenth century and was at that time one of the most important Order Castles of the German Knights.

<sup>5</sup> *Deutsche Allgemeine Zeitung*, October 29, 1940.

Here the main emphasis is laid again on political training, especially as far as it relates to the Eastern Question. In picking Marienburg as the culmination of the Order Castle training for the most select elite of the Nazi party, the regime clearly demonstrates that, far from being a wave of the future, it goes back deliberately to the glorious days of German militarism in the later Middle Ages. Eastern Europe was then considered by the German expansionists and militarists as the natural living space of the master race which had the right to dominate the inferior breeds of the native Slav populations.

### *The Hitler Youth*

The Nazification of German youth is accomplished not only by the transformation of the existing educational institutions and the development of new types of schools and training centers specifically designed to breed a reliable elite. In addition, a new organization has been set up which no German boy between ten and eighteen, and no girl between ten and twenty-one, can escape. A brief glance at the origins of this organization comprising the whole German youth, the Hitler Youth, as it is officially called, will show its essential aims and characteristics.

The Hitler Youth was founded in 1926. From its inception the membership and leadership of the Nazi party had a proportionately larger number of young people below the age of thirty than any other German party. One of the factors that doomed the Republic was its inability to provide the German youth with substitutes for the traditional attractions of militarism and the emotional appeal of the uniform. The flocking of the German youth into the Nazi party when it could freely choose its allegiance showed that the Nazis were better able than other parties to satisfy the longing for military discipline and subordination at a time when the army had to be limited to the relatively small size dictated by the Allied powers at Versailles.

From its very beginning, the Hitler Youth, comprising Nazi boys and girls between fourteen and eighteen, was under the immediate command of the SA, or Storm Trooper, organization of the party.<sup>6</sup> In 1931, the Leader of the Nazi party appointed Baldur von Schirach, leader of the Nazi student organization at twenty-four, as Reich Youth Leader. The Leader conferred upon him simultaneously the rank of SA group leader in order to stress the character of the Hitler Youth as an organization patterned on the storm troop model. When the SA was outlawed for a short time in the spring of 1932, the Hitler Youth, too, fell under the provisions ruling the temporary dissolution of the SA. It was not in spite of its storm troop character that the Hitler Youth grew by leaps and bounds even before 1933, but because of it. The youths between ten and fourteen were organized in the Nazi pupils' league (*Schuelerbund*). The college and university students were drawn into the ranks of the Nazi student organization (*Studentenbund*).

After the establishment of the Nazi regime, the head of the Hitler Youth was promoted by the Leader to the new official position of Youth Leader of the German Reich on June 17, 1933. In this position he had supreme authority over the entire German youth and over those youth organizations which were still tolerated at that time. Gradually all other youth organizations, whether associated with political groups or not, were dissolved. Thus the German Boy Scouts (*Pfadfinder*), the youth organizations of the nationalistic, but not Nazi, groups, and finally, the Catholic and Protestant youth organizations were all forbidden by 1936. On December 1, 1936, the government passed a fundamental law concerning the position of the Hitler Youth. Since that date, "the entire German youth," as the law puts it, "within the Reich territory is comprised in the Hitler Youth."

The structure of the Nazi youth organization is the follow-

<sup>6</sup> Hans-Helmut Dietze, "Die verfassungsrechtliche Stellung der Hitler-Jugend," *Zeitschrift fuer die gesamte Staatswissenschaft*, 101 (1940), 121.

ing: boys between the ages of ten and fourteen belong to the German Young Folk (*Deutsches Jungvolk*); girls of the same age group belong to the Young Girls (*Jungmaedel*). Boys from fourteen to eighteen belong to the Hitler Youth in the narrower sense of the term, and girls from fourteen to twenty-one belong to the League of German Girls (*Bund Deutscher Maedel*).

The Nazis have realized that the danger of transforming the Hitler Youth from a party organization into a state agency to which every boy and girl automatically belongs would endanger the fanaticism and loyalty that are inherent in a membership which is limited and to some extent exclusive. As a consequence, the Hitler Youth is divided into a general Hitler Youth to which all persons between fourteen and eighteen belong and a "Stock Hitler Youth" (*Stamm-Hitler-Jugend*). The latter takes in only those who have proved in their activities between ten and fourteen that they constitute suitable material for future party members and possibly even leaders.

The return to the "Stock Hitler Youth" is an admission by the party that significant organizations in a totalitarian state must be limited in numbers and confined to a minority. A system of government which is based on the leadership principle naturally cannot seek to develop more leaders than followers. But in 1941, all members of the Young Folk (boys from ten to fourteen) and of the Young Girls (from ten to fourteen) were taken into the ranks of the privileged "Stock Hitler Youth." This was a measure of popular appeasement and propaganda at a time when the failure to conquer England, combined with the prospect of a long and fateful war, induced the party leadership to make this exceptional gesture.

The main task of the Hitler Youth is to provide the sole membership for the Nazi party. The Nazis realize that only people who have known no way of life but Nazism will accept it unconditionally and will provide the material for a mass following tied in blind obedience to a leadership elite. The second

main characteristic of the Hitler Youth is this: it is more totalitarian than any other branch of the Nazi party. It is not confined, like other party organizations, to particular tasks, professional, political, educational or otherwise, but includes in its realm of activity and control the totality of interests, ideas, and activities of German youth.<sup>7</sup> Each young person in his or her total sphere of life is subject to the control of the Hitler Youth.

The Hitler Youth is organized, as is the Nazi party itself, not along the territorial lines of the states or *Laender*, but within the framework of the provincial, or *Gau*, area of the party. The whole Reich, including Austria, the Sudetenland, and the incorporated Polish and French territories, is divided in forty-five *Gaue*, or provinces. Each province is divided into twenty districts (*Banne*). Each district represents four to six branch groups (*Staemme*). Each branch group consists of three to five Followings (*Gefolgschaften*), and each following of four bands (*Scharen*), each band of four comradeships (*Kameradschaften*) and, finally, each comradeship of about ten boys or girls. The structure of organization is the same for all types of boys' and girls' associations, although the names may vary slightly. In his speech before the Reichstag on February 20, 1938, the Leader gave these figures concerning the leadership of this vast organization of the Hitler Youth: 59 provincial leaders, 1,365 district leaders, 9,000 branch leaders, and 550,000 leaders of the lower and lowest ranks. In addition, the central office of the Reich Youth Leader in Berlin occupies 600 rooms, and employs 750 persons merely for the handling of the business discharged by the central office.<sup>8</sup> The number of full-time employees in the numerous provincial, district, and branch offices has not been published, but it certainly goes into the thousands.

In his address the Leader gave 7,000,000 as the figure for

<sup>7</sup> Reich Minister Dr. Hans Frank, Dr. Gottfried Neesse, and Hans Schwarz von Berk, *Die Jugend und das Recht* (Vienna, 1938), p. 10.

<sup>8</sup> Gottfried Neesse, "Reichsjugendfuehrung," in *Die Verwaltungs-Akademie* (ed. by Dr. H. H. Lammers and Hans Pfundtner, 2nd edn., Berlin, 1940), p. 22.

the Hitler Youth membership. The special formations within the Hitler Youth were declared by the Leader to include the following: the naval branch, 45,000 boys; the motorcycle branch, 60,000 boys; in glider plane training, 55,000 boys between ten and fourteen; in regular aviation units of the Hitler Youth, 74,000 boys between fourteen and eighteen. In addition, the Leader stated, 1,200,000 members of the Hitler Youth received training in sharp-shooting with small weapons. Early in 1941 a German paper reported that 115,000 boys were receiving in the Hitler Youth full training in glider planes and regular army planes under the direction of army instructors. This unit is called the Hitler Youth Aviators (*Flieger Hitler-Jugend*).<sup>9</sup>

The essential function of the Hitler Youth girls is to participate in the permanent war society in their capacity as future nurses, and as woman auxiliaries in the armed forces. The ideological preparation of the girls stresses their future as mothers and housewives and their responsibility toward the Leader in maintaining as high a birth record as possible.

The military training which is imparted to all male members of the Hitler Youth is not "playing soldiers, but the physical, intellectual, and mental preparation for the later service in the armed forces."<sup>10</sup> All members of the Hitler Youth, male and female, also receive instruction in air-raid protection.

The leadership in the Hitler Youth is systematically prepared for its tasks. Leadership training is carried on in 150 German cities under the supervision of a special branch of the Hitler Youth. In these schools local Hitler Youth leaders from the various provinces and districts are assembled for a prescribed period of time, lasting from several weeks to several months.

The press and propaganda department of the Hitler Youth supervises every book or magazine which the local Hitler Youth member will have a chance to read. The main channels of direct

<sup>9</sup> *Deutsche Allgemeine Zeitung*, April 18, 1941.

<sup>10</sup> Neesse, "Reichsjugendfuehrung," *op. cit.*, p. 29.

propaganda are the Hitler Youth papers, ten in number, which are published by the central office of the Hitler Youth to reach the different age groups and sexes represented in the organization. The Reich Youth Leader personally edits the paper which is addressed solely to the leaders in the Hitler Youth. The title of this paper is characteristic—*Wille und Macht* (Will and Power). The whole work of instruction and enlightenment in the Hitler Youth is directly managed by the Reich Ministry for Propaganda and Popular Enlightenment and the propaganda department of the party.

The Reich Youth Leader also determines personally the attitude of the Hitler Youth to religion. He sharpens in the youth the eye "for the enemies of the (Nazi) idea who seek to disguise themselves only too often under the cover of religion. The Hitler Youth is a political youth. It must recognize the character of the enemy behind all his masks in order to combat him effectively and finally annihilate him completely."<sup>11</sup>

Military training and political education in such "scientific" fields as race biology, great German soldiers, and German history from Bismarck to Hitler, are supplemented by another method of getting the children and youths away from the influence of the home: the hostel movement of the Hitler Youth. Over fourteen hundred hostels are operated by the Hitler Youth out of the two thousand hostels now existent in Germany. An official account of the Hitler Youth in 1940 states that the number of overnight stays in these hostels in 1937 was seven million as compared with an alleged figure of only one million in all foreign hostels put together.<sup>12</sup>

Although the Hitler Youth claims to carry on no foreign policy of its own, it is definitely put into the service of the foreign policy of the party and the state. The central office of the Hitler

<sup>11</sup> *Ibid.*, p. 20. The same point of view on the relation of the Hitler Youth to religion will be found expressed in Dietze, *op. cit.*, p. 138.

<sup>12</sup> Neesse, "Reichsjugendfuehrung," *op. cit.*, p. 36.

Youth has a special division called "The Division of Foreign Relations." It is directed by older Hitler Youth leaders who have lived for a long time in foreign countries. The task of this division is stated to consist in acquainting foreign visitors, both young and old, with the achievements of the Hitler Youth. Annually about fifty thousand adults of foreign nationality are shown typical gatherings and activities of the Hitler Youth. Annually, also, Hitler Youth leaders are taken abroad on tours which are conducted by the party. In 1938, for instance, fourteen thousand Hitler Youth leaders were taken on such tours to various foreign nations. The Hitler Youth has erected a special building in Berlin, the Hitler Youth House for Foreigners, which specifically serves representatives of foreign youth groups when visiting the Reich. Here lectures on "world education" are delivered by Hitler Youth leaders for the benefit of foreign visitors or delegates.

The central office also maintains a special division of the Hitler Youth for Germans abroad, regardless of their "passport nationality." A constant exchange of leaders is maintained between the Hitler Youth organization in the Reich and those functioning abroad. Annually, we are informed, about a hundred thousand books and pamphlets are sent from Germany to the foreign Hitler Youth groups.

Like students and teachers, members of the Hitler Youth are not allowed to go abroad for any period of time without the appropriate permission of the Hitler Youth leaders. The division of "Foreign Travels" in the central office in Berlin determines the requests of whole groups to travel abroad. The individual application of a Hitler Youth member is decided by his local leader.

The division of "enlightenment" of the foreign relations department of the Hitler Youth comprises the following fields of instruction and education: Germans abroad and on the frontiers, colonial work, foreign policy. The whole world is divided

up, within the foreign relations department, into the following areas: Northwestern Europe; Western Europe; Mediterranean Space; Eastern Europe; Asia; North and South America.

On October 21, 1940, Artur Axman, the newly appointed leader of the Hitler Youth and successor to Baldur von Schirach, authoritatively described the contents of what German youth is to know about the place of Germany in the world: "We want to make it clear to our youth over and over again that Germany's claim to lead the world is based on her higher achievements and higher *Kultur*."<sup>13</sup>

Although the Hitler Youth law of December 1, 1936, provided for the incorporation of the whole German youth into the official organization, millions of German boys and girls failed to join as active members. Many simply paid the required monthly membership fee of about twenty-five cents, but did not actively participate in the organization. The Catholic areas of the Reich especially lagged behind in the prescribed voluntary enthusiasm which was to attend the enrollment of all boys and girls in actual group activities. Early in 1939 the Hitler Youth membership numbered only seven million out of a total of almost twelve million boys and girls in the ages between ten and eighteen. As a consequence, the government saw itself compelled to force every German boy and girl into the Hitler Youth, since voluntary enrollment had not brought about the desired results.

This silent plebiscite of millions of German parents against the regime was extremely important because it showed that millions of Germans, although not necessarily anti-Nazi in outlook, were reluctant to sacrifice their children completely to the state.

Two executive orders of March 25, 1939, introduced two new and revolutionary principles into the status of German youth between ten and eighteen: first, the youth service duty (*Jugend-*

<sup>13</sup> "Die Erziehungsrichtlinien fuer die HJ," *Deutsche Allgemeine Zeitung*, October 22, 1940.

*dienstpflicht*); and second, the youth arrest and youth service arrest (*Jugendarrest, Jugenddienstarrest*). This is the only case known in the history of ancient or modern totalitarian systems in which children, boys and girls, from the age of ten upward are subject to compulsory service for the state, and are subject to imprisonment for violation of their duties. These executive regulations had the purpose of breaking the resistance of those parents who were old-fashioned enough to think that their children belonged to them for some hours of the week at least.

The youth service duty is now put on an equal basis with compulsory school attendance. Parents who influence their children to abstain from this new service duty are punishable by law, and their children may be taken away from their homes and put into orphans' homes or with other families. Hundreds of families have already been punished for exercising a bad influence on their children. The latter are encouraged to denounce their parents to their teachers or Hitler Youth leaders, often the same persons. The youth service duty for the children from ten to eighteen, both boys and girls, is frankly compared by a Nazi writer and expert in the field, to the compulsory military service of the adults.<sup>14</sup>

A register of all boys and girls from ten to eighteen now makes it possible to check on whether a particular boy or girl has joined or not. The method of checking is simplified by the fact that the annual enrollments are performed for all youngsters on the same day all over the Reich. The boys and girls are thus called up in classes in a fashion analogous to that employed for conscription by the army. Thus enrollment at the right time is the first service duty. After enrollment comes the regular participation in the general duties of Hitler Youth members as well as in the periodically changing tasks and duties. "If the youth does not show up without valid excuse and repeatedly, he (or she) is reported in the prescribed manner to the police officer in

<sup>14</sup> Dietze, *op. cit.*, p. 113.

charge of such offenses. The police will then use its methods of punishment, namely, the fine, imprisonment, or bodily compulsion.”<sup>15</sup>

Participation in regular activities is the most general duty, the violation of which is now punished by bodily compulsion, fine, or imprisonment. Specific duties, before and after the outbreak of war, include the various collections of scrap metal, fats, old papers. On April 23, 1942, all children from ten to eighteen were made subject, as members of the Hitler Youth, to work on farms helping farmers with the sowing in spring and the harvest in summer. Likewise, participation in air-raid instruction is a compulsory duty for all Hitler Youth members. No law has so far enumerated the number or type of duties which the Hitler Youth members are obliged to perform. But they are compelled to obey the orders of their leaders who are ultimately responsible to the Reich Youth Leader, and through him, to the Leader of the Reich and party.

The executive regulations of March 25, 1939, and amendments issued thereafter, have defined more accurately what the punishments for Hitler Youth offenders are. The first principle guiding the new penal law is this: Although in the old times the purpose of juvenile punishment was education rather than retribution, the new law puts the idea of retribution into the forefront. “The punishment must be so high that it will have an educational effect through its harshness rather than through mildness. Half measures and misunderstood leniency are rejected on principle.”<sup>16</sup>

An official German educational journal describes in detail how the new “educational measures by legal means,” as they are styled, will operate: The youth arrest is effected in buildings of the Ministry of Justice which are, however, not regular prisons.

<sup>15</sup> *Ibid.*, p. 147.

<sup>16</sup> “Jugendarrest und Jugenddienstarrest,” *Deutsche Allgemeine Zeitung*, January 23, 1941.

The offending youth may be locked up for a period of a week end for milder misdemeanors, or for a period up to three months for more serious offenses. In week end confinement, the youth is kept in a solitary cell, and his nourishment is limited to water and bread. On the morning of discharge the youth receives a plate of warm soup. He also has to sleep on a wooden bed without the usual mattress and bedding. For longer periods of confinement, the youth is allowed the use of light in his cell only to the extent to which the darkness at night exceeds twelve hours. He is not allowed to receive visitors or write letters to the outside world. In longer periods of confinement the first and last day are run on the schedule for the week end detention just described. Solitary confinement is kept up for the whole period, however, and every third day in the first two weeks of confinement is a "strict day" with the same rules as those applied for the week end offender. The long-term inmate is not allowed to receive visitors or write to friends. However, he may communicate at stated intervals with his parents.<sup>17</sup>

As a consequence of this new compulsory service for all German boys and girls since March, 1939, the Hitler Youth has also acquired, like the army, a police and judicial function of its own. So far no statistics have been published indicating the scope of punitive actions applied to Hitler Youth offenders who violate their duties. But the widespread publicity which is given in German papers and educational journals to these new changes in the status of German youth suggests that violations must be fairly frequent.

#### *The Failure of Monopoly in Leadership Training*

Will the Hitler Youth and the special institutes for the training of a selected elite achieve the desired result? The Nazi regime has not been in existence long enough to warrant any definite

<sup>17</sup> "Erziehungsmassregeln der Rechtspflege," *Die Deutsche Volksschule*, 3 (1941), 24.

conclusions, but a few tentative suggestions might be ventured. First, we should remember that the present leaders of Nazi Germany grew up in a society in which competition for leadership rather than monopoly was the established principle. It was in the struggle with freely operating opponents that the present Nazi elite evolved. Leaders like Hitler, Goering, and Himmler were not trained in Adolf Hitler Schools or Order Castles but in a society of competitive loyalties and ideals. They owed their positions as leaders to their ability to think for themselves rather than follow the outworn paths of tradition and orthodoxy. Leadership always includes a significant element of spontaneity and personal initiative which is willing to challenge the validity of traditional views and attitudes. Orthodoxy supplies a good soil for training a following but hardly for training a leadership. In the Nazi regime the most rigid ideological orthodoxy is imposed not only upon the masses of the ruled but also upon the future elite for whom everything is mapped out. The danger will always be present, therefore, that totalitarian training of the elite may result in the preparation of bureaucrats rather than leaders. Competition is more productive and progressive than monopoly not only in business, but also in politics and education.

The various political systems can be looked upon, from one important angle, as institutionalized methods of selecting the political leadership in a given society. The record of history proves that free societies have in the past been better able to produce more and better leadership than totalitarian societies. In 1912, Walther Rathenau, a German industrialist who knew Western Europe, pointed with envy to England, which had been able to produce in the preceding hundred years twice as many statesmen and diplomats as she needed, whereas the semiconstitutionalism of Prussia-Germany could bring forth only the solitary figure of one Bismarck in the same period.<sup>18</sup>

<sup>18</sup> Walther Rathenau, "England und wir" (1912), in his *Gesammelte Schriften* (Berlin, 1918), I, 215.

But there is more specific evidence available on this question. The psychological Institute of the University of Wuerzburg published in 1940 a case study of one hundred young Hitler Youth leaders in the city of Wuerzburg. The age of the leaders ranged from 14 to 21, the average being 17.6 years. This is probably the only scientific personality study ever undertaken with regard to Hitler Youth leaders.<sup>19</sup> The leaders represented a fair sampling in age and occupational distribution. The study was carried on over a period of two years.

The main results of the study can be briefly summarized as follows: Of the one hundred leaders only twenty-eight were "spontaneous leaders." Sixty-one were "unspontaneous leaders," and eleven leaders could not be definitely classified as belonging to one group rather than to the other. The spontaneous leader is described as the leader who is both willing and anxious to assume leadership tasks without being prompted to do so by outside influence or pressure. The unspontaneous leader is described as the person who fulfills his leadership tasks because induced to do so by someone else, usually a superior. Although he may occupy the position of the leader, he has the temper and character of the official or bureaucrat. The willingness to assume responsibility is another basic criterion of distinction. Whereas the spontaneous leader will naturally tend to assume responsibility, the unspontaneous leader seeks continually to pass on responsibility if he has to take it on or, preferably, to avoid it altogether. Thus the "typological" study of the one hundred Hitler Youth leaders shows that only 28 per cent of the leadership have leadership personalities, whereas the other seventy-two, and certainly sixty-one out of the seventy-two, merely have the name and position of leadership but not the stuff of which it is made. It is thus the official or bureaucrat who predominantly

<sup>19</sup> Dr. Ludwig Hemm, *Die unteren Fuehrer in der HJ. Versuch ihrer psychologischen Typengliederung*, supplementary volume No. 87 of *Zeitschrift fuer angewandte Psychologie und Charakterkunde* (Leipzig, 1940).

occupies the position of the leader in the leadership elite of totalitarian selection.

The study of these one hundred leaders also sought to determine another fascinating problem. The leaders were divided into three groups according to the following criteria: How many considered their privileged positions as leaders primarily as service to National Socialism? How many as comradely relation with other 'boys'? And, third, how many looked upon their leadership positions primarily as a means of satisfying private interest?

The first group numbered only nine out of one hundred. Only nine leaders considered their position primarily in terms of service to Nazism. In the second group sixty-seven looked upon their position primarily as a comradely fellowship with other boys. In the third group seventeen considered their leadership status essentially as a means of furthering their private advantage.<sup>20</sup>

From the more detailed description of the qualities with which these three types of leaders are respectively endowed it would appear that the smallest group of only nine leaders represents the genuine Nazi who takes Nazism seriously, for whom Nazism is a *Weltanschauung*, a definite way of looking at things. The largest group is represented by the sixty-seven leaders who, in normal times, would be the natural material for a Boy Scout movement. These sixty-seven leaders are described as genuinely interested in other boys, moderately interested in abstract ideas, and fond of hikes and outdoor camping. The third group of seventeen Hitler Youth leaders is described as consisting of persons who have little or no idealism or character, but enough ambition, drive, and personal salesmanship to exploit for their own benefit any given situation. They represent the selfish careerist who is primarily interested in promoting himself rather than ideas or other persons.

Thus the classification of the leadership group into three

<sup>20</sup> *Ibid.*, p. 88.

types shows the following: First, the number of genuine Nazis who can be counted upon to stand by their cause and party is only nine out of one hundred. At the other extreme, those who look upon their leadership primarily as a means of self-promotion number seventeen, that is, almost twice as many as the genuine Nazis. The careerists and unreliable leaders thus outnumber the devoted idealist leaders by two to one. The middle group, too, is very interesting. It suggests by its very size that the bulk of the leaders have no firm convictions or loyalties one way or another save in terms of personal contacts.

In any disaster the third group of the seventeen careerist leaders will be the first to leave the sinking ship. However, like clever rats they will not jump into the cold water but will try to land on another ship bound for a haven of refuge and prosperity. The first group of the idealistic nine Nazis will be the group of leaders who will probably attempt resistance as long as possible and remain loyal to their cause. The middle group will be most likely to adopt a policy of wait and see, and then join another organization where they can hike in moonlit nights and camp on high mountain peaks. If they are older leaders, their sense of comradeship will express itself in joining or leading another organization, as long as it has plenty of meetings in which much is debated and a good deal of beer consumed.

On the basis of this only scientific analysis of Hitler Youth leaders in terms of basic character traits and attitudes it would seem that the Nazi regime is very far as yet from having solved the perhaps insoluble problem of breeding leadership, spontaneity, initiative, and daring out of rigidity, command, and orthodoxy. This war and the aftermath will show the impact of Nazi education and of the Hitler Youth on the quantity and quality of German leadership.

## *Chapter X*

### *Religion*

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From the beginning of its regime in 1922 Italian Fascism adopted a clearly Catholic attitude because of the almost complete religious uniformity in Italy. As long as Italy was an independent nation, that is, until 1938, the problem of religion was not too pressing. Italian Fascism was totalitarian indeed, but nevertheless it was anchored in traditional values such as empire, church, and family. Only after Italy was handed over by the Fascists to Nazi Germany in 1938 did the religious problem become acute in Italy.

In Germany, Nazism had to face a problem which it had not created: the religious division of Germany into about two thirds of Protestants and one third of Catholics. As a consequence, the "folkish unity of an unconditional political basis could not be extended to church and religious affairs."<sup>1</sup> Point 24 of the party program states that "we demand the freedom of all religions in the state in so far as they do not endanger its welfare or offend against the morals and sense of decency of the German race." We are informed by an authoritative Nazi political scientist and public lawyer that this limitation is to be "interpreted broadly."<sup>2</sup> Offenses against the morals and sense of decency of the German

<sup>1</sup> Koellreutter, *Deutsches Verfassungsrecht*, *op. cit.*, p. 198.

<sup>2</sup> Huber, *Verfassung*, *op. cit.*, p. 312.

race cover all divergencies from Nazi ideas and legislative measures.

The Nazification of Christianity in Germany cannot be understood save in terms of the general ideas of the leading Nazis and the background of religious history in Germany.

### *Nazism and Christianity*

With remarkable frankness the Leader has expounded in *Mein Kampf* the doctrine of "the bigger the lie the better." He applies this doctrine in the very text of *Mein Kampf* with regard to religion and Christianity. On the one hand, he asserts his "positive" attitude to religion and to both main branches of German Christianity, Catholic and Protestant. This "positive" attitude has, of course, the sole purpose of persuading Christians that if he, the Leader, is so friendly toward religion, then Nazism as an idea and a movement cannot be so antireligious after all. On the other hand, though, the Leader expounds the main ideas of new and old types of antireligion and atheism in *Mein Kampf*: Nazism is frankly totalitarian in its endeavor to mold German life, all of it, in its own image. It therefore cannot allow any rival claim to influence the spiritual character of the Germans. The Leader emphasizes throughout all *Mein Kampf* the anti-Christian idea of the inequality of the various branches of the human family; in fact, he denies that Negroes ("half-apes") or Jews ("parasites and tubercular bacilli") are human.

The very concept of the human family is decried by the Leader as a "Jewish-Communist-Liberal" idea which has no place in a healthy folk of the German race. The Leader asserts *ad infinitum* in *Mein Kampf* that Nazism is based on the materialistic, naturalistic idea of race, of "blood and soil," whereas Christianity is anchored in the spiritual, antinaturalistic values of belief in God and the ensuing virtues of love, faith, and the unity of mankind in the unity of God. The only integration of humanity

which the Leader can conceive is the domination of the world by the Germanic master race ruling the other peoples, which are all inferior by definition, in accordance with the principles of the Germanic master morality. This is opposed to the Christian ideal of peace and co-operation among all men and nations. Summarizing the Leader's ideas on religion and Christianity as expounded in *Mein Kampf* and his other utterances, we can say the following: The Leader asserts as a matter of general principle that he believes in positive Christianity. When this general belief is expounded in concrete detail by the Leader himself, we find that every single idea which he puts forth with regard to the nature of man, the place of man in the community, and the relation of national communities to each other is utterly paganistic and anti-Christian.

The second main intellectual influence on the Nazi masses is Alfred Rosenberg, who holds officially the position of "The Leader's Delegate for the Entire Intellectual and Philosophical Education and Instruction of the National Socialist Party" (*Der Beauftragte des Fuehrers fuer die gesamte geistige und weltanschauliche Erziehung und Schulung der Nationalsozialistischen Deutschen Arbeiterpartei*). Alfred Rosenberg has also been for a long time editor of the official party organ, the *Voelkischer Beobachter*, and of the official party monthly, the *Nationalsozialistische Monatshefte*. He is the author of *The Myth of the Twentieth Century* (*Der Mythus des 20. Jahrhunderts*), a work of over seven hundred pages first published in 1930. Over one million copies have been sold since that time in Germany. No Nazi work except the Leader's *Mein Kampf* has exceeded the sales of Rosenberg's work. Compared with the abstruse monstrosities one can find in page after page of *The Myth*, the Leader's book seems to be a product of learning and nobility.

The book has unfortunately never been translated into English. A perusal of its contents can give one a better understanding than even *Mein Kampf* as to what kind of humanity is now

breeding in Germany because Rosenberg is also responsible for the education of the young and the management of the educational institutions of a higher level. In his attack on the Christian and western tradition Rosenberg goes even beyond the Old and New Testaments. He attacks Socrates for preaching the "madness" that virtue can be taught and that all men can be instructed in it. In addition to being afflicted with madness, Socrates was also, Herr Rosenberg reveals, the first international social democrat because his idea of a "community of the good" led to a division of mankind into individuals of virtue or evil rather than into races and peoples. The whole Christian tradition is based on this Socratic-Platonic conception of the community as a congregation of individuals held together not by "blood and soil," but by spiritual bonds of faith and virtue. Rosenberg states that "the churches sought to rule by Love; Northern Europe wanted to live free in honor, and in honor to die free."<sup>3</sup> He further says that the preaching of "the rational and the good" already represented in ancient Greece the disintegration of race and soul. This disintegration of the German race and soul through the good and the rational will be prevented by National Socialism. The idea of national honor, Rosenberg asserts, is "the beginning and end of our thought and action. It does not tolerate any rival source of influence whether it be Christian love, Masonic humanitarianism, or Roman philosophy."<sup>4</sup>

The Old Testament naturally is in for special vilification. The god of the Old Testament is "the demon Jahwe." The Old Testament itself must be done away with once and for all, because it represents the attempt of the Jews, over fifteen hundred years, to turn the Germans into spiritual Jews. That which took place once in the Syrian (read Palestinian) wilderness, can, per-

<sup>3</sup> Alfred Rosenberg, *Der Mythos des 20 Jahrhunderts* (91st-94th imp., Munich, 1936), p. 146.

<sup>4</sup> *Ibid.*, p. 514.

haps, interest historians and students of legends, but has nothing to do with religion, Herr Rosenberg says.

The great writers of the Christian tradition do not fare better in his work. St. Augustine, to cite only one example, is a "servile half-African."<sup>5</sup>

If the Old Testament has to be eliminated from a positive Nazi Christianity because it is Jewish, there arises at once the problem of the New Testament and of Jesus and his Jewish descent. Rosenberg is obviously outraged, like all Nazis, at the very suggestion that Jesus was a Jew. He dismisses the whole question nonchalantly in a brief footnote in which he declares that there is not the slightest reason to assume that Jesus was Jewish. Numerous theories have been propounded by Nazi writers seeking to prove that Jesus was actually the son of a German soldier temporarily serving in the Roman army in Palestine. Jesus is therefore pictured by Nazi writers, from Rosenberg to the lesser scribes, as a self-confident master, a warrior. Frequently the assertion has also been made that if Jesus were on the earth today He would, as a born warrior, have joined the ranks of the Nazi storm troopers. Nazi leaders often refer to the Leader as the Savior who takes the place of Christ in the hearts of Germans, because the Leader is a delegate of God and as such has saved Germany from the Jews, Bolshevism, and democracy.

Early in 1942, Rosenberg published thirty points of the doctrine and organization of a projected new "National Reich Church" which would comprise all Germans who want to join it regardless of whether they had previously been Catholic or Protestant. Space forbids a complete enumeration.<sup>6</sup> Only a few points of the long list can be cited here: Point 1: The National Reich Church demands the immediate turning over to its possession of all churches and chapels of the other faiths. Point 4:

<sup>5</sup> *Ibid*, p. 237.

<sup>6</sup> A complete reproduction of the program will be found in *The New York Times* of January 3, 1942.

Other churches or religious associations, especially those having international affiliations, will not be tolerated in Germany. Point 5: The National Reich Church is immutably fixed in one objective: the destruction of Christianity imported into Germany in the unfortunate year 800 because it conflicts with both the heart and mentality of the Germans. Point 11: All are excluded from becoming "orators" in the National Church who attempt to perpetuate the Christian faith, because they are liars to themselves and to the German people. Point 12: The "orators" in the National Reich Church will be state officials. Points 13 and 14: The National Reich Church demands the immediate cessation of the printing of the Bible as well as its dissemination in Germany. It likewise demands the prohibition of the importation of the Bible and other religious works into Germany. Point 15: The National Reich Church decrees that the most important document of all time is *Mein Kampf* and that the German people must live by it. Points 18 and 19: The National Reich Church will remove from the altars of all churches the Bible, the cross, and the religious objects. In their place will be set *Mein Kampf* and a sword. Point 20: The "orators" will explain to the faithful the contents of *Mein Kampf*. Point 30: On the day of the establishment of the National Reich Church, the Christian cross will be removed from all churches and chapels, and will be replaced by the Nazi swastika as the symbol of invincible Germany.

So far, the National Reich Church has not been established. But the principles mentioned above are not by any means new. The policy of the regime toward Christianity, especially Protestantism, has already successfully imposed many of these Nazi ideas on the churches in Germany. It may be presumed that Rosenberg's plan of the formal annihilation of the Christian churches following the destruction of Christian ideas in the first ten years of Nazism will depend for its execution upon the outcome of the war.

*The New Heathens*

Since 1933 the New Heathen (*Neuheiden*) movement has rapidly spread in Germany. General Ludendorff, the "secret Kaiser" and dictator of Germany in the first World War, was one of the most prominent Germans who fostered the neo-pagan movement until his death in 1937. The avowed aim of this group is the return of the German people to the pre-Christian deities, to bring back into real life Valhalla with its numerous gods that one knows from Wagner's operas. Professor Ernst Bergmann published in 1934 *The 25 Theses of German Religion* (*Die 25 Thesen der Deutsch-Religion*) as the most concise and most widely accepted statement of the neopagan religion. Some principles expressed are as follows: The first "thesis" sets down that the German had his own religion which is rooted in his "species." The German religion expresses the peculiarity and integrity of the German race. The third "thesis" asserts that the German of today requires a healthy and natural religion which makes him brave, pious, and strong in the struggle for the fatherland. The fourteenth thesis claims that the Christian feelings of sin, guilt, and repentance are not religious feelings at all. The sixteenth thesis states that whoever forgives sin sanctions sin. The forgiving of sin undermines the morale of the people. The seventeenth thesis lays down that unlike Christian religious ethics which puts the welfare of the individual in the center, German ethics is concerned with the welfare of the fatherland and not of the individual. The twenty-first thesis declares that the teaching of the German religion should replace the teaching of the Christian religions in school because Christianity is no longer a religion. The twenty-second to twenty-fourth theses lay down the two divine images in the German religion: the heroic soldier and the fertile mother.

The neopagan movement of Germany is represented in the Nazi regime by a numerically small group. Three and a half per

cent of the population are neopagan. This figure looks small as compared with the other 96.5 per cent of the German population. But it looks enormous considering the fact that there is no other country in the world in which there is an organized attempt to go back to the veneration of pre-Christian deities. But the mere figure of 3.5 per cent does not express the whole situation, because the neopagan movement counts among its followers many of the outstanding intellectuals and party officials. The neopagans have their own places of worship, usually outdoors, and their own newspapers and periodical journals. They have reverted to pre-Christian Germanic rites employed at such occasions as marriage and birth.

Germany is the one country in Europe in which the pagan resistance to Christianization has never completely vanished from the national consciousness. The intensity of this pagan hostility may vary from time to time. But at no time has Christianity been free from attack from pagan adversaries in Germany. The man who first Christianized Germany, St. Boniface, was murdered by some ancestors of General Ludendorff and Professor Bergmann in 754.

St. Boniface is still charged by a Nazi writer with the crime of having "broken the strength of the Germanic gods."<sup>7</sup> The same writer refers also, in the traditional German nationalistic style, to Charlemagne as the "slaughterer of the Saxons" (*Sachsen-schlaechter*) for his conquest and Christianization of the Saxons over eleven hundred years ago.

Since the Napoleonic Wars the revival of neopaganism in Germany has been closely connected with the general struggle against western political and intellectual ideas. Christianity was considered, like liberalism, democracy, and nationalism, a product of other nations designed to weaken the national and military strength of Germany. This was especially true of Protestant Ger-

<sup>7</sup> Bogislav von Selchow, *Der deutsche Mensch: Zwei Jahrtausende deutscher Geschichte* (Leipzig, 1933), p. 73.

many, although the Catholics stubbornly resisted the attempt to Germanize and paganize their religion. Since 1870, the neo-pagan movement has become more widespread as a consequence of the revival of German-Prussian militarism, which has been coupled with the doctrine that the German master *Kultur* and master race were entitled to rule the world. The de-Christianization of Germany in the period from 1870 to 1918 was carried on by two groups which otherwise fought each other. On the one hand were the militaristic leaders and their followers to whom Christianity meant either nothing at all or, at best, a set of traditional rites. On the other hand was a man like Nietzsche, who bitterly hated the nationalism, militarism, and imperialism of the Second Reich, and found it even intolerable to live in Germany.

But Nietzsche, too, contributed his share to the de-Christianization of the German people, especially among the educated and ruling classes. He attacked Christianity as a slave religion, vilified democracy as the rule of the cowards and the mediocre, and appealed to the Germans to build a race of supermen to whom alone the world would belong. Students of Nietzsche will go on quarreling as to what Nietzsche really meant when he vilified Christianity and democracy and political freedom. He might, or might not, have thought of a higher morality, and he might have dreamed of a race of supermen composed of great artists, fighters, and saints. But regardless of what Nietzsche really meant, the fact remains that his works, avidly read and discussed by the educated, the semieducated, and the uneducated in Germany, had the effect of teaching them that Christianity was the religion and moral code of slaves, and that mankind was waiting for a race of supermen which would redeem the present world from the mediocrity and the slave morality with which it is riddled.

Much of the contemporary pagan propaganda and ceremonial under the Nazi regime goes back directly to the paganism

fostered by nationalist and anti-Christian circles under the Second Reich between 1870 and 1918. Men like Ludendorff represent the link between the pre-Nazi and the Nazi pagans. But many other men in the "folkish" (*voelkisch*) and nationalistic movements and parties before and after 1918 took up similar pagan ideas. There has been in the history of mankind, much anti-religious propaganda and persecution. It is as old as religion itself. There has also been anti-Christian propaganda of one kind or another since the rise of Christianity. But since the fifteenth century, when Europe was more or less completely Christianized, there has been no country except Germany in which influential members of the community have in all seriousness propagated the idea that pre-Christian paganism should again be introduced and replace Christianity.

Therefore this neopagan movement under the Nazi regime should not be confused with the atheistic tradition in German history or in other countries. Frederick the Great, for example, was an atheist who called himself jokingly a "pagan."<sup>8</sup> He thought that all religions were based on abstruse fables. There is this difference between Frederick the Great and the Nazi pagans: Frederick was an atheist because he was too much under the influence of Voltaire and the other French rationalists of his time. The Nazi pagans are antireligious only with regard to Christianity; they base their anti-Christianity not on rationalism, but on Wotan and the other idols of Germanic gods. Soviet atheism of our time is also based on rationalism and science rather than on the attempt to reintroduce the pre-Christian Russian gods into the lives of the Russian people again.

#### *The Position of Protestantism*

The relation of the Nazi state to the Protestants in Germany is determined by the nature of Nazism as well as by the historical

<sup>8</sup> In a letter to his brother, August William, dated February 18, 1747; see Arnold Berney, *Friedrich der Grosse* (Tubingen, 1934), pp. 272, 350.

conditions and characteristics of German Protestantism. Nazism is antireligious and is specifically opposed to those values which Christianity has offered as ideals and goals for almost two thousand years. Yet the world has witnessed the amazing spectacle in which German Protestantism has, on the whole, been successfully co-ordinated by the Nazi regime, whereas the Nazis have failed to Nazify the Protestant churches in Holland and Norway.

On September 27, 1933, the Leader appointed his personal friend Ludwig Mueller, a former chaplain, to the office of Reich Bishop of all Protestant churches in Germany, thus instituting the leadership principle also in the sphere of religious activities. Shortly before this appointment the Protestant churches had accepted the "Aryan paragraph" of the German civil service law and other laws. From then on, ministers or officials who had one or more Jewish grandparents had to be dismissed from any church position which they had previously held.

Mueller was the leader of the "German Christians," a Protestant group which adhered to Christianity and Protestantism on the basis of accepting Nazism as a philosophy of life and, in particular, the racialist and anti-Jewish attitudes of Nazism. The "German Christians," numbering even in 1933 three thousand pastors out of a total of seventeen thousand pastors, have been trying to Germanize Protestantism by excluding the Old Testament, by rewriting the New Testament in conformity with the military ideals of Nazism, and by accepting the racialist principle for the membership in their churches. Under their pressure the other Protestant groups have also refused to accept baptized Jews as members of their local churches. Since the "German Christians" have the full support of the government, they control the Protestant churches and the administrative machinery which operates and officially represents them.

The "Confessional Church" represents the other minority group in the Protestant churches in Germany. In 1933, the num-

ber of its pastors was five thousand. They represent the minority of German Protestants who are not willing to become Nazified. They reject the anti-Christian doctrines of the Leader, Rosenberg, and Streicher as an ersatz for Christianity. Many of these Confessional pastors have lost their salaries because the government controls the finances of all churches. Hundreds have been sent to concentration camps. Conservative estimates of the number of Protestant pastors imprisoned or held in concentration camps in the first nine years of the Nazi regime run to about 10 per cent of the total number, most of them pastors of the Confessional Church.

The Rev. Martin Niemoeller has received the greatest publicity abroad, but he is only one of many hundreds of ministers who have suffered more than he. Niemoeller was a U-boat captain in the first World War. After the war he became a pastor, but continued to harbor his prewar militaristic attitudes. Like the typical Protestant pastor of the twenties, he was cordially disposed toward the Nazis, from whom he expected a national revival for Germany. In 1933 he published his autobiography, *From U-Boat to Pulpit (Vom U-Boot zur Kanzel)*. The book was a great seller, because the Nazi papers gave it the most favorable publicity. In his autobiography, Niemoeller described how in order to save Germany he had fought on the side of the nationalistic Free Corps after the first World War. At the end of his autobiography he also expressly declared how satisfied he was that the Nazi revolution had finally brought about the national revival for which he had struggled and waited so long.

However, the anti-Christian persecutions convinced Niemoeller fairly soon that Nazism was incompatible with religion in general and Christianity in particular. He also realized that in that struggle there was no hope for compromise, because Nazism and Christianity represented two worlds which cannot exist side by side. With indomitable courage, he began to defend in his sermons the fundamentals of Christianity, undefiled by

the paganism, racialism, and militarism of the Nazi version of "positive Christianity." In July of 1937 he was seized by the Gestapo, and was tried in February of 1938 for "misuse of the pulpit" for political sermons. The court found no criminal act in his activities and acquitted him of the main charges. As he was about to leave the court building, the Gestapo seized him again, and spirited him off to one of the worst concentration camps in Germany, Camp Sachsenhausen. In August of 1941 he was transferred to another notorious concentration camp, that of Dachau in Bavaria. His name has become in Germany, and in the world, the symbol of Christian resistance and integrity amidst a world of surrender and compromise on the part of the vast majority of the Protestant ministers.

Between the two minority groups of Protestants, the thoroughly Nazified "German Christians" and the unbending Christians of the Confessional Church, stands the vast majority of German Protestants. In a varying measure they approximate the "German Christians," but hesitate to go openly the whole way. The majority group follows the traditional attitude of German Protestants of obeying the political authorities without questioning.

Since the days of Martin Luther, German Protestantism, quite unlike Protestantism anywhere else in the world, has been *étatiste* in outlook. Luther himself recommended complete obedience to political authority under all circumstances. In the peasant rebellion of 1525, the only genuine popular revolt in German history, he encouraged the German princes to take the most ruthless measures against the rebels, or "mad dogs," as he called them. He who will read Luther's pamphlet on this subject, entitled "Exhortation to Peace" (1525), will find there a language which, in its ferocity and brutality, is unequaled in the history of Protestantism. It also throws some light on the habits of obedience and domination in German politics, religious and otherwise.

From its inception in the sixteenth century German Protestantism was an instrument of royal absolutism, and remained such until 1918. The kings and princes were simultaneously the supreme bishops of their churches. In no European nation except Tsarist Russia has the tradition of complete servility of the church to the political authority been so deeply rooted as in the Protestant German states. In Tsarist Russia the church was merely an appendage to the trinity of Crown, army, and the landlords. Likewise, the German princes were successful, in the words of a great German student of religious history, in "approximating the church to the police, and employing it as a means of maintaining order in the state."<sup>9</sup>

At the same time that Germany reasserted the principle of absolute monarchical domination over religion, England was swept by the Puritan movement, the most popular religious revolution in modern times. This revolution established in England once and for all the right of the individual to find his communion with God outside the state church. The nonconformist church has become one of the most remarkable phenomena of English and American life. Edmund Burke called the nonconformists "dissenters from dissent," and thus brilliantly characterized these religious rebels.

The rise of political liberty in England and in the United States followed the conquest of religious freedom through the valiant struggle of nonconformists of all shades. This most significant root of modern democracy, religious and political, is entirely lacking in Germany, where religious totalitarianism and uniformity have been the heritage of German Protestantism for almost four hundred years. Failing to develop the nonconformist church, Germany missed one of the most important religious and social phenomena of the English-speaking world.

The majority of the German Protestant pastors have been committed to the Prussian system of government and militarism

<sup>9</sup> Adolf Harnack, *What Is Christianity?* (London, 1901), p. 296.

since the days of Frederick the Great. Before 1918 the Protestant pastors were solidly behind throne and fatherland. In elections and appointments the pastors followed the views of the Junkers and army officers without much questioning. After the establishment of the Republic in 1918, the Protestant churches in Germany soon came out in open hostility to it. The Republic was based on a loose alliance of the groups which had been most persecuted by the Prussian-German ruling class between 1870 and 1918: the Catholics and socialists. These groups had therefore naturally the greatest enthusiasm for the new order of the republican regime. Conversely, the Protestant pastors, like the former officers, judges, and high bureaucrats, hated the Republic because the Catholics and socialists were influential in it and because the abolition of the monarchy also weakened the hold of the Protestant churches, one of the main instruments of the monarchy before 1918. In all the Reichstag elections during the Weimar Republic, the Protestant pastors exhorted their followers to vote for the nationalist candidates. This general term included all those elements, like the Nationalists and Nazis, who desired to bring about the "national revival" of Germany. As has been pointed out before in the discussion of Niemoeller, he was a typical pastor in his support of the Nazis until they got into power. After 1933 many other pastors probably saw that the national revival which they had helped to bring forth was the resurrection of paganism. There were many pastors like Niemoeller who supported the Nazis before they were in power, but there were only a few pastors who, like Niemoeller, had the courage to stand up for their convictions as Christians. The record of the Protestant churches in Norway, Holland, and Denmark, Nazi-occupied Protestant countries, has been magnificent under the most cruel and harassing conditions. The failure of the vast mass of German Protestants, both laymen and pastors, is wholly in conformity with the historical background of the German Protestant churches. Only the future will show whether

the small group of the Confessional ministers will be able to hold their own amidst apathy, indifference, and surrender, and whether they will even be capable of finally creating a religious setting in Protestant Germany in which there will be no room for Valhalla and the Wotan cult.

Since the commencement of war in 1939, the majority group of the Protestant pastors seems to have swung into even closer collaboration with the extreme wing of the Nazified Protestants, the "German Christians." An emergency committee of four has been set up to control all Protestant church affairs. Three of the four are Nazi appointees and are "German Christians." The fourth is Dr. Marahrens, Bishop of Hanover. Until the middle thirties, he still belonged to the more moderate wing of the majority group. Since that time he has been increasingly willing to appease the Nazi Christians and to hand over the majority group to the general principles of the "German Christians." Although the pastors of the majority group will not indulge in the mockeries of the neopagans or "German Christians" in words, they follow, in traditional submissiveness, the orders of the government both doctrinally and institutionally. They withdraw more and more into Protestantism as an institution of the Nazi state, and say and teach what their Nazi masters want them to expound. They have given in without protest to the elimination of all Protestant clubs and associations, from Protestant schools and boys' clubs to religious associations for adults. They have also, from the beginning of the Nazi regime, willingly accepted the "Aryan clause" of German legislation. Persons with one or more Jewish grandparents can no longer be members of the ministry, although they may be born members of the Protestant church. Likewise, these churches have also refused, since 1933, to receive Jewish would-be converts into the membership of the Protestant faith.

A branch of Jehovah's Witnesses, the well-known religious sect in the United States, was established in Germany in 1927,

apparently under the inspiration of American Witnesses. On June 24, 1933, this sect, although very small in numbers in Germany, was forbidden, and the property of the society was confiscated. Since the sect is completely pacifist and, what is more, its members refused to use the "Heil Hitler!" greeting, as is now prescribed for official purposes in Germany, Jehovah's Witnesses were charged with harboring Communists in their midst, with seeking to Hebraize Germany, and with conspiring for the overthrow of Germany. This is what the Swiss Year Book of Jehovah's Witnesses said in 1935 about Nazi Germany: "Without any doubt there is no country on earth which has taken (*sc.* against the Witnesses) such extreme measures as the Hitler government. Manifestly this man is under the direct supervision of the Devil and he is his special representative on earth."<sup>10</sup> In 1936, such a characterization of Nazism could still be quoted in a German learned journal.

When the Witnesses did not give up the struggle for their religious conviction, a campaign of terror was launched against them which surpassed anything perpetrated against victims of Nazism in Germany. It is generally agreed among former inmates of concentration camps who have written about their experiences there, that the sufferings of Jehovah's Witnesses in the camps were even worse than those meted out to Jews, pacifists, or Communists. Small as the sect is, each member seems to be a fortress which can be destroyed but never taken. The fact that Jehovah's Witnesses came from the United States increased the hatred with which the Nazis persecuted the Witnesses in Germany. Many of the Witnesses have been shot, both before and after the outbreak of war in 1939, because they refuse to render military service. According to their faith, military service violates their most profound conception of service to God.

Another small sect in Germany, also introduced there from

<sup>10</sup> Quoted in Rolf Stoechter, "Verfassungsproblematik und Rechtspraxis: Die Rechtsprechung zum Bibelforscherverbot," *Archiv des öffentlichen Rechts*, 27 (1936), 168.

the United States, was recently banned. Christian Science was outlawed on July 31, 1941. As usual, in such cases, the church buildings and whatever property was owned by the religious society were confiscated by the state. The legal basis in the case of Christian Science, as in that of Jehovah's Witnesses, were the emergency laws of February 28, 1933, directed against Communist activities. It may surprise American Christian Scientists to learn that their German fellow believers, who adhered to the mother church in the United States, were Communist in the eyes of the Nazi government when it came to the confiscation of church buildings and church property.

#### *The Struggle against Catholicism*

The relation of the Nazi regime to the Catholic Church in Germany has been determined by the historical background of German Catholicism, as well as by the temporary exigencies of Nazi politics. Unlike German Protestantism, the Catholic Church has never been a mere tool in the hands of the absolute monarchs and the ruling classes. The historical position of German Catholicism has been influenced by two facts which have been of special influence in the last three or four generations. In the social structure of the German population the Catholic third has traditionally represented attitudes which were relatively less militaristic and autocratic than the Protestant two thirds.

This is due to two factors. First, the Catholic population in Germany is centered in the western and southern areas of the Reich. For fifteen hundred years these territories have been in close contact with western and European civilization. Through their relations with the Roman Empire they were the first to be Christianized and to be brought into touch with civilization. As a consequence, paganism has never flourished here. Nor has the Prussian hostility toward the "West" or "Rome" as the

symbols of European supernatural civilization ever found too fertile a soil in these parts of Germany.

In modern times the geographical proximity of western and southern Germany to France has led to the spread of liberal ideas in those German areas. The great centers of German culture and learning have been and are the old cities in these sections of Germany—Cologne, Karlsruhe, Nuremberg, Stuttgart, Munich, Augsburg, Vienna—and not the new trading and garrison outposts in northern and eastern Germany. In the nineteenth century the Catholic monarchs of these states defended the principle of federalism against the manifest ambition of the Protestant Prussian kings to subjugate all of Germany. The spread of liberal ideas in these predominantly Catholic states was not only a consequence of the contacts with the French Revolution for over twenty years but a result of deliberate royal policies. The kings of these smaller states knew that by granting parliamentary institutions to their populations they would be in a better position to defend themselves and their people against Prussian militaristic imperialism. The first constitutions on German soil were granted early in the nineteenth century in Baden and Württemberg in 1818 and 1820, respectively.

In the Second Reich the Catholics continued to represent the principle of federalism in the empire which was then ruled by the blood and iron methods of Bismarck and his class. The influence of the Catholics was even enhanced by another important political fact. It so happened that practically all the national minorities in the Second Reich, the Poles and the inhabitants of Alsace-Lorraine, were predominantly Catholic. Since these minorities were suppressed and the attempt was made to Germanize them by force and pressure of all sorts, they naturally turned to their Church as a place of refuge and inspiration. This brought together the political representatives of German as well as of non-German Catholics.

Only three years after the establishment of the Second

Reich, Bismarck embarked upon his famous campaign against the German Catholics known as the *Kulturkampf*. This was a remarkable phase of modern Germany. Since the seventeenth century no European state had ever persecuted a religious minority which amounted to one third of the total population as ruthlessly as Bismarck did in the ten years from 1873 to 1883. By upbringing and outlook a typical representative of the Prussian Junkers, Bismarck knew that the Catholics were a dangerous element in the new Prussianized Reich, because on grounds of history and religion they were unlikely to accept submissively, as the Protestant churches did, the new principles of Prussian militarism and Prussianized Christianity. Bismarck also hated the Center party, political representative of the German Catholics in the Second Reich, because of its "democratic views."<sup>11</sup>

For ten years the Reich sought to break the resistance of the German Catholics, but the attempt was in vain. Bishops were arrested and thrown into prisons, and hundreds of priests were jailed. In Prussia alone, one fourth of all Catholic parishes was left without regular pastoral provision because of the interference of the Reich. Priests in disguise and under the cover of secrecy served these vacant parishes. German Catholicism wrote a glorious page into its history by heroically resisting the onslaughts of totalitarian Prussianism.

The outside world failed to grasp, at the time, the full implications of this war of the German Reich against one third of its own people. Bismarck, who regularly referred to the Center party as "enemies of the state," rather than as political opponents, established the tradition in Germany of branding the opponents of the ruling class as "enemies of the state" or as "traitors." The Nazi laws issued since 1933 are full of this Bismarckian term "enemies of the state" (*Staatsfeinde*). In fact, it is of more than historical interest that this Nazi legal term aimed at all op-

<sup>11</sup> Bismarck, *Erinnerung und Gedanke (Gesammelte Werke*, Vol. XV, Berlin, 1932), pp. 247, 330 ff.

ponents of Nazism has its roots in the Bismarckian struggle against the Catholic section of the German people.

The eclipse of the Second Reich in 1918 naturally rallied the German Catholics on the side of the Republic, because they, like the socialists of all faiths, had been the main sufferers under the Prussian totalitarianism of the Second Reich. This in turn increased the animosity of the conservative Protestant clergy against the Republic. In the opinion of the Leader himself, "the fathers of the Weimar Constitution were themselves in largest part South Germans or Jews."<sup>12</sup> The South Germans who were, in the eyes of the Leader, degenerate enough to believe in democracy were, of course, overwhelmingly Catholic.

The fear of Communism which paralyzed conservative and middle-class groups in the nineteen twenties and thirties also affected the German Catholics. Just as the British and French conservatives were willing to appease Nazism in order to "stave off" Bolshevism, thus opening the front door to the German invaders, so the Catholic parties, in Germany as elsewhere, saw in Communism their main enemy. By fighting the "godless" atheism of republicanism and liberalism, let alone the "nihilism" of socialism and communism, the German Catholic parties contributed their share to the destruction of the Republic in Germany.

This historical sketch of the position of German Catholicism in the recent pattern of German politics would be incomplete without the emphasis of one further point: the social basis of Prussian Junkerism and militarism is the ownership of 80 per cent of the land in the east by a comparative few. The farm population in the east is composed of a kind of serf labor which has been habituated to Prussian discipline, in peace as in war, for four hundred years of landlord despotism. In the Catholic western and southern portions of Germany the opposite relationship exists: here 90 per cent of the land is cultivated in small

<sup>12</sup> *Mein Kampf*, p. 823.

farms by their owners and their families. The Catholic population of Germany has thus acquired historically a character which fits it ill into the Nazi campaign of de-Christianization and political totalitarianism. In addition, its social structure is such that it is not accustomed, in the daily processes of life, to take orders blindly, as the Prussian laborer, especially in the Junker states, has done. Finally, it should also be remembered that the universal nature of the Catholic Church is a formidable obstacle in the path of paganization and nationalization as compared with the historical character of the German Protestant churches as instruments, since the days of Martin Luther, of autocratic monarchs.

Maps of German elections based on the geographical distribution of parties show that eastern and northern Germany have consistently had, under the Republic, the relatively strongest proportions of Nazi voters, whereas the western and southern parts contain the proportionately lowest numbers of Nazi voters. Even after the Nazis were in power, Catholics still had one chance to express their anti-Nazism. In the plebiscite of August 19, 1934, on the Leader's self-appointment as the successor to the deceased President von Hindenburg, the official election accounts contained the following interesting facts: a typical East-Prussian city like Koenigsberg showed only one antigovernment vote in twenty-five, whereas the proportion was one to four in Cologne, and one to two in Aix-la-Chapelle. It is true that many of these voters voted anti-Nazi not only because of their Catholicism, but also because they were factory workers who saw how their trade-unions had been destroyed and their leaders killed or thrown into concentration camps. Even the officially announced votes reflect the internal divergencies of German history which go back to different backgrounds evolved during the last fifteen hundred years.

There was an historical irony in the fact that the first two world powers which sought to deal with Nazi Germany on the

basis of a "negotiated peace" were the Soviet Union and the Catholic Church. On May 5, 1933, Germany and the Soviet Union exchanged ratifications prolonging the German-Russian Treaties of Friendship and Conciliation of 1926. On July 20, 1933, the Vatican and the German Reich concluded a concordat regulating the conditions of Catholic worship and other religious activities in the Reich. The concordat did not have the effect of defining, let alone of improving, the lot of the Catholics in Germany. But it gained for the Nazi regime, in those first days of mass terror and violence, an air of respectability and diplomatic esteem. At that time the Nazi atrocities still made news in the world press. By negotiating a peace with the Nazi regime, the Vatican was the first western political force which publicly adopted the theory that the Nazi regime was a state with which treaties could be concluded as with other states, and that the Nazi government was an international partner with whom mutual obligations could be entered into.

The concordat with the Vatican had the same purpose, from the Nazi point of view, that all treaties so far entered into by the Nazi government have had: to exploit the credulity and trust of the treaty partner in order to scheme his destruction the more subtly and decisively. Every single obligation which the Reich assumed in the Concordat of July 20, 1933, has since been repeatedly and officially violated. These violations have not been carried out by subordinate officials who have no responsibility, but by the highest organs of the Reich government.

Article 1 promises the "liberty of creed and public worship of the Catholic religion." More than nine years after the signing of the concordat, a pastoral letter of the German Catholic bishops dated March 22, 1942, has the following to say on this liberty guaranteed by the concordat: "In truth, pressure is frequently used on those who depend on state or party positions to force them to conceal or deny their Catholic religion or to compel them to abandon the Church. Through numerous ordinances and

laws open worship of the Catholic religion has been restricted to such a degree that it has disappeared almost entirely from public life. It appears as if the sign of Christ, which in the year 312 was gloriously carried from the Catacombs, is to be driven back to the Catacombs. Even worship within the houses of God is frequently restricted and oppressed." The pastoral letter then goes on to state that in many cases, especially in Austria, churches have been closed and used for profane purposes.

Article 4 of the concordat provides that all announcements and publications, from pastoral letters to periodical publications, enjoy the fullest freedom of circulation and distribution. Actually, a large number of Catholic publications, some of them with a publication record of fifty years and more, have been banned. Since the outbreak of war the pretext of shortage of paper has been used for suspending fourteen hundred religious periodicals, 90 per cent of the total, whereas only 20 per cent of the secular papers have been stopped. Among the suspended papers the Catholic papers have, if anything, suffered more than the Protestant papers.

Article 5 guarantees to the Catholic priests the protection of the state in so far as their ministerial activity is affected. Actually, the state has not only not given any protection to priests in their pastoral activities, but has imprisoned and thrown into concentration camps hundreds of Catholic priests.

Article 9 provides that priests cannot be legally compelled to disclose information which they have acquired in the exercise of their pastoral work. This protection has been circumvented by the following ingenious method of the Nazis. Nazi agents of the Gestapo or the party pretend in their confessional that they suffer from veritable inner conflicts as a result of various Nazi anti-Christian ideas and practices. Or else spies will seek to gain the personal confidence of priests by posing as faithful Catholics. Then whenever the quarry falls into the trap and makes some statements disrespectful to the party or to the Leader, the Gestapo

has enough evidence against him for further treatment in prison or concentration camp.

Article 14 provides that the Church has the right to make appointments without interference from the state. This stipulation has been continuously violated. Article 15 provides that Catholic orders have the right to continue their existence in Germany and that the Church has the privilege of establishing new orders. Actually, religious orders have been closed wholesale. In Austria, for instance, the Benedictines, the Franciscans, and the Capuchins were dispossessed and deported. The buildings were confiscated. The monks are given a time limit of between twelve to twenty-four hours within which to arrange all their affairs and leave. They are allowed only their personal effects and sums of money of about ten dollars. The methods used in the deportation of Jews from Germany and occupied Europe to the Polish ghettos and in the deportation of French families to Poland have been used against these Catholic orders.

On July 13, 1941, the Bishop of Muenster, Count Galen, charged in a sermon that on the previous day both houses of the Society of Jesus had been confiscated and handed over to the party offices of Westphalia, and the inhabitants of the houses expelled from Westphalia.

The closing of orders and churches has been carried out with particular intensity in the newly conquered and annexed territories of Poland and France. Article 17 of the concordat guarantees the inviolability of church buildings and church property. In the pastoral letter of March 22, 1942, the bishops declared that "many Church possessions, and especially houses of religious orders, have been taken away by force from their lawful owner and used for other purposes. Even places of worship have been confiscated and desecrated."<sup>13</sup>

Articles 19 to 21 guarantee to the Church that the Catholic

<sup>13</sup> The whole text of the pastoral letter will be found reprinted in *The New York Times* of June 7, 1942.

faculties of theology in the universities will be preserved, that the Church has the right to maintain Catholic theological seminaries of its own without state subsidies or state interference, and that the Catholic religion will be taught in grade and high schools in conformity with the fundamental principles of the Catholic Church. Official figures show that both Catholic and Protestant schools have declined since 1933. Likewise, according to the pastoral letter of March 22, 1942, "juveniles in State youth organizations, in hostels and labor camps, often even in schools and country homes are being influenced in an anti-Christian manner and kept away from religious services and celebrations." The new types of training schools mentioned above, such as the Adolf Hitler Schools, the National Political Institutes of Education, and the Order Castles, do not impart any religious instruction at all. Article 25 guarantees to the Catholic Church the right to maintain private schools of its own. This right has been destroyed for all practical purposes. The only private schools now tolerated in Germany are a few Jewish schools in which Jewish children receive instruction, and a small number of private schools in which children of foreign nationalities receive instruction. Even the old seminaries for the training of priests have been curtailed, and some have been confiscated and used for party purposes. The closing of the seminaries "is in conformity with the purpose of those who wish to deprive the Catholic priesthood of successors," as the pastoral letter of March 22, 1942, puts it.

This closing of Catholic seminaries for the training of priests has been repeated with special severity in the newly conquered territories in the east and the west. It may seem unbelievable, yet it is actually recorded in a German paper, that a seminary for the training of priests in conquered Polish territory has been transformed by the Nazi authorities into a training school for the German police.<sup>14</sup>

<sup>14</sup> Osmar Werner, "Der Osten im Umbau," *Deutsche Allgemeine Zeitung*, October 24, 1940.

Article 31 guarantees to the Church that the cultural, religious, and charitable Catholic organizations will be protected in their existence. Actually, any Catholic organization which is not strictly confined to purely religious and ritualistic activities is outlawed. Catholic youth organizations have been declared illegal and prohibited for having organized hikes and picnics. The vast network of Catholic organizations has thus been steadily cut down because of the interference of public authorities. This is especially true of youth organizations. Leaders of such organizations have been fined for the following types of "illegal activities," not covered by the legal scope of the concordat: for telling fairy tales to children; for playing checkers, chess, and similar games. A new restriction on the Catholic youth organization is that which, since 1939, has made it impossible for any youth to be simultaneously a member of a Catholic youth organization and of the "Stock Hitler Youth" (*Stamm-Hitler-Jugend*). The latter is the circle of the select in the general Hitler Youth from which alone party members will be taken. Since so many opportunities in private and public employment are dependent on a good Hitler Youth record, the incompatibility of membership in the Hitler Youth and in Catholic youth organizations no doubt deters many boys and girls from joining the latter. Besides, the strict exclusion of any athletic, sport, or entertainment activities from such Catholic youth organizations has inevitably meant their effective destruction as focal points of Catholic community activities for the young. On July 6, 1941, the bishops of Germany announced in a pastoral letter to the German Catholics that "we have lost our schools, and now our kindergartens must be closed."

The relation between the Catholic Church and the Nazi regime has not always been one of conflict in the last ten years. Many Catholic laymen and priests have been deceived by the Nazi propaganda that the Leader saved German Christianity from Bolshevism and atheism. The Catholics rarely protested

whenever other victims of Nazism, Jehovah's Witnesses, Communists, Jews, socialists, pacifists, and others, were persecuted and mistreated, even murdered. Only in the case of the Jewish persecutions, has the Vatican, and occasionally individual German Catholic priests, attacked the racialist principles of Nazism. This fact is important for the Catholic Church because it violates the spiritual conception of Christianity as held by the Catholic Church, and makes missionary work among Jews in German-controlled territories impossible.

After the invasion of Russia by the German army in June, 1941, the German Catholics were, for once, more Popish than the Pope. Although the latter has to this day refused, much to the disappointment of such religious devotees as the Leader and the Duce, to hail the Nazi aggression on the Russian people as a crusade of Christianity and European civilization against Bolshevik atheism, many German Catholic priests so described the campaign against Russia in sermons delivered throughout Germany on Sunday, November 9, 1941.

## *Chapter XI*

### The Economy of Permanent War

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#### *The Place of Economics in German Politics*

Germany was one of the great centers of European commerce from the late fourteenth to the early sixteenth century. A German family of trading genius, the Fuggers, was perhaps the richest single firm of that time. The decline of German economic power in the next two centuries was due to several factors. First, the great discoveries of the fifteenth and sixteenth centuries in Africa and America diminished the importance of the South German cities as outlets of Asiatic products in Central and Northern Europe. Spain, Portugal, Holland, France, and England assumed the position of commercial leadership formerly held by the prosperous cities of northern Italy and southern Germany. Second, these new competitors operated under the protection of unified national governments. They were thus able to found great trading empires overseas while Germany and Italy remained in a state of political anarchy for another three hundred years. The absence of national government in Germany before 1871 prevented the institution of uniform standards and policies without which modern business and industry cannot be carried on effectively. Third, the effects of the Thirty Years' War (1618-48) virtually destroyed the economic structure of the Ger-

man people and retarded their general development for almost two centuries. The decline of the population from seventeen to four million gives an indication of the amount of human and physical destruction wrought by three decades of internecine warfare.

In more recent times, especially since the Industrial Revolution, economic institutions and ideas have never occupied in the German political pattern a position which was equal, or similar, to that in western nations. The great revolutions in England (1688), America (1776), and France (1789) are not only symbols of the political ascendancy of the middle classes. In economic terms, these revolutions stood for the assertion of the productive superiority of the machine age over the agrarian feudalism of the traditional ruling classes. In this new economic philosophy of liberalism the state is held to be a necessary nuisance at best. In the free operation of the "laws of society," the "natural economic order" leads automatically to the greatest welfare of individual and society.

The German economic institutions and ideas since the Industrial Revolution have evolved along different lines. In the period before 1871, economic activities were spread over dozens of sovereign states and principalities ruled by absolute monarchs. Even within the individual states economic anarchy prevailed. In the Prussian provinces alone, 67 tariffs covering 3,800 commodities existed before 1816. In the Prussian kingdom alone, 119 types of currency represented the financial disorganization of that time as it existed even within the territories of one ruler.

The adoption of mild economic liberalism in the early nineteenth century was not the result of internal pressure as it had been in the great western nations. The temporary eclipse of Prussian military power in the period of the Napoleonic Wars forced a number of economic reforms on the Prussian government as well as on other German administrations. However, these reforms were introduced in Germany from above. "In

Germany," a leading German economist says, "the state conferred liberty upon the economy. It did so for reasons of state. It was the old aim of making the state powerful and therefore also rich that became the supreme aim of the new liberalized state, as it had been that of the old absolute state. Only the means changed."<sup>1</sup>

Another factor made for state control of the economy in Germany: the late industrialization. This time factor, so important for an understanding of all phenomena relating to modern Germany, had a twofold effect. First, Germany was a country with ample but not abundant resources. She did not enjoy the advantages accruing from the possession of a great empire nor did she have the benefit of long-established commercial and financial relations with other nations. Since the state had never been ousted from its position as the authoritarian arbiter of all social issues, it was natural that it should assume the position of guidance and leadership in the process of Germany's "catching up" economically with the more advanced nations. Second, the classical period of early liberal economics in the western nations was coincident with the stage of economic evolution when owner, manager, and producer were still combined in one person or at least in one family. At that time, therefore, the individual business enterprise required relatively little fixed capital. The number of small and independent entrepreneurs was correspondingly high. The democratic systems in the west were based on the economic and political independence of these small businessmen and entrepreneurs.

When modern industrialism reached Germany in the second third of the nineteenth century, its technological structure and economic scale had changed considerably. The large-scale

<sup>1</sup> Hans Teschemacher, *Der deutsche Staat und der Kapitalismus* (Stuttgart, 1933), p. 10. See also Georg Weippert, "Die Wirtschaftstheorie als politische Wissenschaft," *Zeitschrift fuer die gesamte Staatswissenschaft*, 98 (1938), 1-53; Wilhelm Vleugels, "Die Eigenart der deutschen volkswirtschaftlichen Theorie," *Schmollers Jahrbuch*, 65 (1941), 1-14.

type of enterprise increasingly replaced the older and smaller units. The initial requirements in the outlay of capital goods and long-term overhead costs had risen enormously. In many cases the state alone could supply the necessary funds. In other cases it considered itself impelled to control the vast private funds needed for the establishment of the new large-scale type of enterprise. Technologically, this lateness of Germany was in many respects an advantage. She could avoid the piecemeal methods of trial and error and the resulting obsolescences of the industrial structures of those nations that had pioneered in the development of the machine economy. All this tended to increase the area of public control in Germany. At times this control assumed the form of outright ownership and management, as it did with the railways and most public utilities.

This factor of Germany's lateness raises serious questions concerning her political prospects. Germany was the first "late" country that supplanted a sort of state capitalism for the western economics of individual initiative. Later on, Russia, Japan, and other countries in Europe and overseas have demonstrated that the transition from the precapitalistic economy to the modern industrial system can no longer be accomplished without a strong dose of state control or outright state ownership. This raises the grave problem of whether political democracy on the western model can ever be established in those countries, for the historical origins of western democracy were so inextricably related to individual initiative and individual economic independence.

The domination of the state over economic institutions in Germany has had the effect of infusing them with the two most characteristic features of the German political system: army and bureaucracy. Freedom and contract have been the symbols of western economics. Discipline and status have been the symbols of German economics since modern industry penetrated the German system of state and society. Authoritarianism was typical

not only of the relations between capital and labor. The internal organization of employers and employees was strictly disciplinarian and essentially based on the leadership principle long before the Leader was born.

The late penetration of modern industrialism and capitalism in Germany has had another interesting effect. Capitalism was, practically speaking, imposed by Prussia, first on her own citizenry after the Napoleonic Wars, and after 1871 on all Germany. As a consequence, German capitalism never commanded the fervent faith which the idea of free enterprise had instilled in those nations which had received its blessings through popular insistence rather than through bureaucratic imposition. Liberal economics in western nations has been, and still is, a sort of religion that combines the promise of freedom with that of material happiness. It never possessed this *mystique* in Germany.

The western philosophy of capitalism as a welfare economy for the masses of the people never conquered German economic institutions or ideas. The German middle classes failed to deprive the traditional holders of power, the agrarian *Junkers* and militarists, of their central position in the German state and society. The military classes of Germany continued to rule Germany politically and socially. Therefore, the main function of the new industrial economy in the nineteenth century was the increase of Germany's military strength. The German railway system, harbors, and merchant marine were conceived and constructed from the beginning in pursuance of military and strategical objectives. Similarly, the trend toward economic self-sufficiency and the adoption of high tariffs since the eighteen seventies as well as the artificial stimulation of Prussian agriculture along economically unprofitable lines served essentially military purposes.

The traditionally authoritarian and militaristic character of German capitalism also explains why no advanced industrial nation developed anticapitalistic attitudes and mass movements which were as strong as those in Germany. In 1912, the German

socialist party could boast over one third of the total national vote. In addition, the agrarian conservatives and the Catholic parties in Germany were anticapitalistic in origin and attitude. At that time the socialist party in England had just begun to appear on the political scene. In 1932, over two thirds of the German electorate declared their fundamental opposition to the philosophy of free enterprise by voting for either the socialist, the Communist, or the Nazi ticket. This anticapitalism would be even higher if we include such Catholic parties as the Center party and other Catholic political groups. The deep traditional hostility toward the philosophy and practice of free enterprise in Germany is very largely due to the fact that the German people have never seen the full implications of such a system.

It is a direct consequence of the subordinate position of the economic factor in the German political pattern that German economic thought has rarely been more than an appendage of political science and public administration. The eighteenth century witnessed in western nations the birth of the science of economics. Economic speculation became an autonomous branch of human knowledge independent of, and often superior to, political science. The flourishing of western economic thought throughout these last two centuries is a reflection of the high social status of economic activities in relation to political authority. In the last analysis it expressed the superiority of society over the state, of economics over politics.

Germany produced in the seventeenth and eighteenth centuries its own counterpart to western economic thought—cameralism. This was in reality not economic science, but public administration as relating to the *camera*, originally the household of the absolute prince, and later implying the whole body of royal economic, financial, and governmental institutions. Cameralism was not developed by independent thinkers, publicists, and free-lance writers, as classical economics had been elaborated in France and England. The cameralists were prac-

tical administrators in the service of kings, or else professors of "cameralistic sciences" or "sciences of the state" who also had the status of civil servants and whose task was the training of loyal and competent servants of the monarch. Cameralism extended deep into the nineteenth century as an organized science. It was not so much a system of fundamental principles postulating a new conception of man and society, but a series of attempts to solve practical problems of public administration. This is why western economic thought centered around such concepts as utility and freedom, whereas German cameralism was concerned more with practical issues in the various fields of economic activity, such as mining, agriculture, forestry, and public finance. The aim of cameralists was not the discovery of truth, but the upholding, in all these fields, of the interests of the sovereign as the supreme end of economic activity.

From the middle of the nineteenth century German economic science steadily changed into a branch of economic history without losing its interest in the traditional German problems of economic policies. The German "Historical School" in economics (Knies, Roscher, Hildebrand, Schmoller) was historical, in so far as it concentrated on the painstaking accumulation of minute historical data relating to ancient and modern German economic institutions. But it was also essentially political, because it sought to integrate economics and politics in such phenomena as the *Verein fuer Sozialpolitik* (League for Social Policy) and *Kathedersozialismus* (professorial socialism). To this day, incidentally, economics is taught in most German universities in the faculty which is called Faculty of the Science of Law and the State.

We can better understand this character of traditional German economic thought if we reflect upon this fact: In the western nations, too, there are periods during which economic theory gives place essentially to public administration. Thus, in the last as in the present World War, economic activities in the United

States are regulated and controlled by government agencies. The definite supremacy of politics over economics is asserted. The problem of prices loses some of its academic interest, in terms of pure economic theory, when a government agency authoritatively sets prices for various goods and services. Thus in time of war, in the United States or in England, economic theory is also replaced by a kind of modern "cameralism."

However, there is this significant difference: cameralism in Germany is the traditional and perfectly normal type of economic thought expressing the traditional actualities of German state and society. By contrast, the replacement of economic science by public administration in western nations is a temporary war measure connected with war or some other extreme national emergency. Such temporary cameralism gives place to the philosophy and practice of economic theory and free enterprise as soon as the emergency is over. The transformation of economic activities into a sector of public administration as an emergency measure in time of war in western nations, and the normality of such a situation in the traditional German pattern of political economy, is merely a reflection of authoritarianism and militarism as dominant forces in German public life.

#### *The Nazi Economy As a Permanent War Economy*

The nature of the economic system operating under the Nazi regime can be understood only in the light of the historical background related above as well as in terms of the specifically Nazi theory of politics. Nazi politics is a permanent system of internal and external warfare aimed at the total annihilation of the enemies at home and abroad. Nazi economics, like all other social activities in Germany, has as its supreme purpose the strengthening of the military striking power of the Reich.

This idea is by no means new in German thought or reality. In the middle of the eighteenth century Prussia had the fourth

largest army in Europe, although its population ranked only thirteenth in size. Likewise, Prussia spent five sevenths of her public expenditures on military purposes. This Prussian tradition of looking upon the national economy as an instrument of military policy is over two hundred years old.

In the middle of the nineteenth century the leading German economist, Friedrich List, propounded the idea that Germany should not follow the doctrine of free trade but adopt a system of protective tariffs leading to economic self-sufficiency. Friedrich List was the greatest economist that Germany has produced so far. He is often referred to by German students as "the German Adam Smith." The difference between these two Smiths is that the English one conceived of economics as a science of welfare. His dream was a human race within which trade would flow freely across national boundaries, thus enriching all of mankind with the fruits of superior skill in particular countries. The German Smith, on the other hand, taught his countrymen that free trade was a dangerous policy, as it might possibly weaken the military striking power of Germany. Adam Smith thought of economics as a science of human welfare for mankind. Friedrich List looked upon economics as a branch of social and governmental engineering designed to strengthen the military power of Germany.

In the first World War the German people discovered that while the military class, including the Kaiser, had done everything to support the Austrian aggression against Serbia and thus precipitate the World War, the generals had organized for the war along nineteenth-century ideas. Despite the famous German thoroughness, Germany had not prepared for a long war. Within a period of only six years (1864-70) Prussia had defeated Denmark, Austria, and France so rapidly that the military leaders counted on another speedy victory in 1914. Even Ludendorff, Germany's outstanding soldier in the first World War, admitted

afterwards the error of the Supreme Military Command of which he was a member.<sup>2</sup>

As soon as Germany lost the World War of 1914-18 the first thought of her military writers and leading military men was to organize for the next war, which must be victorious for Germany. While the disillusioned German masses were bewildered by the course of events, the generals set to work preparing for the next war. They were unable to grasp the political aspects of the German defeat in the World War: the invasion of Belgium, the reference by Chancellor von Bethmann-Hollweg to the German guarantee of Belgian neutrality as a "scrap of paper," the conduct of the German officials in occupied territory, the first use of poison gas by Germans, the campaign of sabotage and destruction in the United States, unrestricted submarine warfare against neutral, including United States, shipping were only a few of the major political blunders committed by the German ruling class. It did not understand the political implications of these so-called purely military measures because its political subtlety had never been developed beyond the ability to deal with submissive serfs on East Prussian estates. Therefore, when the generals got busy writing their memoirs they naturally proved that they would have won the war if it had not been for the faults and mistakes of others. In addition to spreading the stab-in-the-back lie, according to which the German army was not defeated in the field but on the home front through subversive activities, the generals also blamed the inadequate economic preparation of Germany for the outcome of the war.

Ludendorff published in 1935 his conception of modern war under the title *Der totale Krieg (Total War)*, which was translated into English under the inaccurate title *The Nation at War*.<sup>3</sup> In this book Ludendorff was probably the first to coin the phrase "total war," which has since become so current in all countries.

<sup>2</sup> General Ludendorff, *The Nation at War* (London, 1936), p. 57.

<sup>3</sup> London, 1936.

In the view of western observers, Germany had been authoritarian and totalitarian enough even before 1914. But not according to Ludendorff. He believed that Germany was too liberal before 1914, that its famous *Disziplin* was not thorough enough in all branches of national life. In his book on total war Ludendorff surpasses Clausewitz's *On Warfare*, published a hundred years earlier. While Clausewitz had taught that war was merely the continuation of politics with different means, Ludendorff, as a typical representative of twentieth-century Nazi-German militarism, teaches that total war includes not only political totalitarianism but also psychical and economic totalitarianism. We have seen in previous chapters how the mental preparation for war is effected in Germany on a total scale in the fields of propaganda, public opinion, education, and religion. As Ludendorff puts it, totalitarian war touches "the life and soul of every single member of the belligerent nations." After discussing the means by which complete mental uniformity is to be brought about, Ludendorff emphasizes that "in the economic sphere, too, the fighting forces and the nation constitute a powerful unity. Totalitarian politics and totalitarian warfare cannot realize it too soon in times of peace."<sup>4</sup> We should also remember that Ludendorff was one of the first German generals who, in preparing for German victory in another world war, recognized the value of the Nazi movement. He participated with the Leader in the abortive *Putsch* of 1923, and remained a friend of the Nazis not because he believed in their pseudo-socialist slogans, but because his experience as a German military leader told him that here was a movement that was serious in its determination to remilitarize the German people as quickly as possible.

Since 1933 the application of total politics and total war to economics has found expression in the new German science of *Wehrwirtschaft*, or economy of war. War economics is merely

<sup>4</sup> Ludendorff, *op. cit.*, p. 55.

one of the many new sciences which the Nazi regime has contributed to the stock of human knowledge. We remember that other new sciences include the fields of war geography, war metaphysics, war psychology—war in practically every branch of traditional academic disciplines. The method of creating these new sciences in Germany is simple: to an old science like geology or psychology or economics, add the prefix *Wehr* (denoting a mixture of defense, war, and militarism), and a new science is born.

Many of these new *Wehrwirtschaftler* (war or military economists) have sought to define the exact nature of the Nazi economy as a permanent war economy. But all these definitions agree that a permanent war economy has to see to it that the total economy must be equal to the tasks of total warfare. The permanent war economy is the organization of the economy on military lines in time of peace for the preparation of total war. Practically, therefore, there can be no difference between the so-called peacetime economy and the wartime economy in a regime which is permanently in a state of war with its internal and external enemies. A Nazi economist has succinctly summarized these views: "*Wehrwirtschaft* is not an emergency system or merely the preparation for a wartime economy, because the total war of the future has already seized all forces of the nation in time of peace in order to protect them in case of war. For this reason the permanent war economy which prepares for total war cannot be considered as a contradiction of a peacetime economy. The permanent war economy is rather the new organization of the peacetime economy as required by the present period.<sup>5</sup>

<sup>5</sup> Guido Fischer, *Wehrwirtschaft* (Leipzig, 1936), p. 23. A well-informed survey of the different Nazi definitions of *Wehrwirtschaft* as a permanent war economy will be found in Hugo Richarz, *Wehrhafte Wirtschaft* (Hamburg, 1938), pp. 76-90. See also Major Dr. Kurt Hesse, *Der Kriegswirtschaftliche Gedanke* (Hamburg, 1935), pp. 42 ff. Major Hesse is the editor of a number of periodical publications and collections of books dealing with questions of war economics in Germany and abroad.

This characteristic feature of Nazism—that of obliterating the difference between the normal and the abnormal, and between peace and war—is also manifest in the field of economic theory and organization. And this character of the Nazi economy as a permanent war economy also explains why the endless discussion among foreign economists as to the socialist or capitalist nature of the German economy under the Nazi regime is largely artificial. The dispute between capitalist and socialist economists on this point tends to overlook the vital fact that capitalism and socialism are categories which relate to western welfare economics. Both capitalism and socialism aim at a welfare economy for the largest number of people in a national or world community. Their main point of division and disagreement lies in the distribution of goods. Whereas capitalism is willing to accept inequalities of income and property, socialism aims at a more equal distribution of both. The permanent war economy of Nazism cannot be defined in terms of socialism or capitalism because its basic social and political assumptions are different from those of either socialism or capitalism. Whereas the common objective of both is human welfare through economic means, the objective of the permanent war economy of Nazism is military strength and aggressive striking power regardless of the sacrifice of human happiness.

The main problem of socialism and capitalism alike is the method of distributing wealth for welfare. The main problem of the Nazi permanent war economy is the maximum production of wealth for war through the fullest utilization of all productive resources at home and the acquisition of wealth through the spoliation of conquered nations abroad. The permanent war economy of Nazism is thus an economic system which cannot be subsumed under the western categories of either socialism or capitalism because the major inarticulate premises of both are fundamentally different from those of *Wehrwirtschaft*. This does not mean, of course, that the problems of rich and poor, of labor

and capital, and other traditional economic issues, do not appear in the Nazi economic system. It merely means that these problems and their solutions in Nazi Germany must be related to the categories of the permanent war economy rather than to those of either socialism or capitalism, as these latter terms are understood in the west.

What confusion of thought can be produced by the introduction of these western concepts into the analysis of the German permanent war economy can best be seen, for purposes of illustration, from the Nazi use of the word "socialist." The Nazi party called itself the "National Socialist German Workers' Party." One could perhaps argue that it is neither national, nor socialist, nor German, nor a workers' party, nor a party at all. But taking just the socialist character of the party and of the Nazi economy into consideration, we find that Nazism has always prided itself in being socialist. However, the Nazi writers insist that their socialism is truly German and has nothing to do with western socialism. First, they point out that German (i.e., Nazi) socialism is national and not international as socialism elsewhere in the world. Second, Nazi socialism is not hedonistic like western socialism, because the aim of Nazi socialism is not the happiness of the largest number of individuals in society but the maximum strength of the state.

All Nazi writers from the Leader downward have referred to this brand of socialism as Prussian Socialism. Frederick the Great, whom the non-German world normally thinks of as a great militarist and successful aggressor, is called by Nazi writers the "first German socialist" because he taught the Germans the virtues of complete subservience to the good of the state. Precursors of Nazi thought in recent times, like Spengler and Moeller van den Bruck, emphasized after 1918 that the salvation of the German people would have to be brought about through Prussian socialism *à la* Frederick the Great rather than through the international and hedonistic type of socialism then rampant

in Germany. Socialism in the framework of western societies suggests equality, material happiness, and the brotherhood of mankind. Prussian socialism evokes the Nazi concepts of service, sacrifice, and military strength of the German warrior people. This is why such labels as socialism and capitalism do not fit the psychological or economic realities of the Nazi system. They contain unstated premises which are not present in the German system of a permanent war economy.

### *The Organization of the Economy*

Before the Nazis came to power they had formulated an economic program of far-reaching significance. Points thirteen to seventeen of the party program contained the following objectives: nationalization of all trusts; profit-sharing in large concerns; extensive development of old-age pensions; nationalization of department stores and their lease to small merchants at cheap rents; land reform, including the abolition of interest on landed property.

In the first ten years of Nazi rule not a single one of these original economic objectives of the party has been translated into reality. Where business concerns or department stores have been confiscated, it was because they had been in Jewish hands. Even such property was not nationalized but merely transferred to "Aryan" competitors who had the right connections with the party leaders.

Fritz Thyssen is the only German capitalist of renown whose property has been confiscated. One of the richest men of Germany, he was for years a favorite of the Nazi party because he had poured millions of dollars into the Nazi treasury before 1933. However, Thyssen was expropriated not because he was a capitalist, but because he fled Germany on the outbreak of war in 1939 in the firm belief that the Leader was taking Germany into the abyss of defeat and destruction.

Immediately after the Nazis came to power they proceeded to co-ordinate all branches of the German economy along the authoritarian principle of Nazi leadership. After several preliminary and provisional measures the Minister of Economic Affairs was authorized by an act of February 27, 1934, to reorganize German trade and industry. Shortly afterward this reorganization was carried out. German trade and industry now form an "estate." It is a corporation of public law comprising all enterprises and constituting the sole legally recognized agency of formal representation. In addition to the estate of industry and trade there are the following estates: the Labor Front; the estate of artisans; the agricultural estate; the estate of transport.

The estate of industry and trade is subdivided both functionally and regionally. Functionally, it is made up of the following six major branches: industry, handicrafts, trade, banking, insurance, and public utilities. Each national branch is divided into regional and local subgroups. The regional organization of the whole estate has fourteen districts. The district organization comprises all territorial subgroups of the particular economic branches. The lowest territorial level is the local chamber of industry and commerce. This local body combines within itself all economic types on the local level.

In fact, every business, including public and governmental enterprises, is automatically a member of his particular national organization and of the local chamber of commerce. In essence, the organization of the estate of industry and commerce continues the German trade associations as they existed before 1933. What is new is, first, the compulsory membership of every businessman in Germany. Second, it is also new to bind together the previously existing national trade associations in industry, bank, and so on, into one "roof organization." Compulsory membership, unification of all trade associations, and the introduction of the leadership principle are the novel features of this reorganization.

The compulsory membership means that every businessman is obliged to pay dues and is subject to the jurisdiction, judicial and administrative, of his trade group. The unification of the previously existing separate national trade associations into one superagency has the purpose of unifying and facilitating the control of the government over all branches of trade and industry. The leadership principle, finally, is the symbol of the subservience of all, including the businessman, to the Nazi system of government.

The heads of the six national trade organizations within the estate are directly appointed by the Minister of Economic Affairs. Likewise, the heads of the fourteen subgroups of the branch "industry" are also directly appointed and dismissed by the minister in Berlin. Other major appointments are made by subordinate officials with the approval of the minister. The members of the local trade association have two legal functions: to declare whether the leader of the local trade association enjoys the confidence of the group, and to accept the annual report. However, the law explicitly states that even if the members express a lack of confidence in their local association leader, this refusal has no legal consequences. Similarly, the leader of the local chamber of industry and commerce, comprising all local trade associations of the different major groups and subgroups, is not dependent upon the consent or opinion of the members. The whole structure culminates in the National Economic Chamber (*Reichswirtschaftskammer*), which is the apex of all the functional and territorial organizations. Its leader and his deputies, two or more, are appointed and dismissed by the Minister of Economic Affairs.

The essential purpose of these trade associations, whether functional or territorial, is quite different from that of trade associations in a liberal political regime. Here again, names disguise realities. In a liberal society, trade associations are private organizations of citizens or corporate businesses designed to pro-

tect their group interests against the encroachments of other business groups and of the government.

In the Nazi economy, the trade associations are not organized for the purpose of protecting specific group interests against other group interests or the state. In the Nazi economy, the trade association has the name of its pre-Nazi predecessor, but actually it is a state agency to which all members of the particular trade group are compelled to belong as surely as they belong to the state. Membership dues are levied with the same compulsion as taxes are levied. There is no escape from either. Since the trade association in the Nazi economy is but a segment of the state bureaucracy, its purpose is the same as that of other branches of the state bureaucracy: to defend the interests of the state. Like other branches of the state bureaucracy, the trade association is merely a transmission belt for conveying to the regimented businessman the prescribed policies he is to carry out.

Many businessmen supported the Nazis before 1933 on the assumption that the Nazi movement would always see its main purpose in the destruction of a free trade-union movement and political democracy. They have had ample time, in the last ten years, to reconsider their erstwhile expectations. In a book published in New York in 1941 under the title *I Paid Hitler*, one of the main financiers of the Nazi party, Herr Fritz Thyssen, confessed publicly what a *Dummkopf* he had been to assume that the Nazis would always play the part assigned to them by the businessmen who financed them into power, namely, that of guaranteeing a businessman's "paradise" without strikes, labor parties, trade-unions, and other popular organizations. German businessmen have learned since 1933 that they, like the rest of the German population, are completely subject to the political totalitarianism and arbitrariness of the regime. German courts have consistently followed the doctrine since 1933 that curtailments of property rights by public authorities are legal, even if the authorities have no specific legal authorization to effect such

taking of property.<sup>6</sup> Because the régime needs the technical and managerial skills of businessmen, it has retained them as a class. Individually, each member of the class knows that his life and property, let alone his pursuit of happiness, are not worth ten cents if he happens to fall into the party's disfavor. Major national decisions affecting the fate of business as a whole, such as the decision of war and peace, for instances, are taken with complete disregard of the views of the business class.

It is not easy to generalize on this issue because the permanent war economy of Nazism has affected the various groups of German business differently. The section of business which has benefited the most is big business. The reasons for that are not to be found in any innate preference of the Nazi leaders for big business or in their sense of gratitude for the support which they received from big business before 1933. The main reason is the transformation of the German economy into a permanent war economy. First, the technological demands of a war economy hit the existence of small firms more than that of large firms. We have learned in the United States since Pearl Harbor that the disappearance of small business is one of the first results of rearmament on a large scale. The type of business and industry which is most actively engaged in a war economy is not the small enterprise.

Even before the commencement of war in 1939 the number of German handicraft firms had dropped by 12 per cent in the preceding three years.<sup>7</sup> The small businessman and independent

<sup>6</sup> For court decisions, see *Obervorwaltungsgerichtsrat Dr. Krueger*, "Die neue Rechtsprechung des saechsischen Obervorwaltungsgerichts," *Verwaltungsarchiv*, 41 (1936), 176-92; Gerhard Haverstadt, "Die Grundverhaeltnisse des Eigentums," *ibid.*, 42 (1937), 337-68; Ernst R. Huber, "Die Rechtsstellung des Volksgenossen. Erlaeutert am Beispiel der Eigentumsordnung," *Zeitschrift fuer die gesamte Staatswissenschaft*, 96 (1936), 438-74. For discussions of the position of the entrepreneur in the Nazi economy, see Dr. Landfried, Secretary of State in the Ministry of Economic Affairs, "Unternehmerinitiative," *Deutsche Allgemeine Zeitung*, December 23, 1940; V. Muthe-sus, "Unternehmerrisiko," *ibid.*, April 26, 1941; Josef Winschuh, "Dreimal Risiko," *ibid.*, May 25, 1941; "Der Unternehmer," *Frankfurter Zeitung*, June 1, 1941.

<sup>7</sup> *Vierteljahrshefte zur Wirtschaftsforschung*, 3 (1938-39), 263

artisan has been forced out of business because he is technically less efficient than the large-scale enterprise in the armament economy. Even before the war the official organ of the artisans' trade associations exhorted its members not to be unhappy about their elimination from the German economy and their descent to the status of a wage earner, because "the ordinary working man lives a much happier life than the so-called independent businessman."<sup>8</sup> The drafting of the owner of a small business for military service, compulsory in Germany since 1935, may often mean the permanent elimination of his business. In time of war, this factor is even more important because of the uncertain duration of such military service. In Thuringia, for instance, so many communities were left without cobblers that a shoe factory was set up to carry on long-distance repair service for whole districts.

Labor shortage is another reason for the elimination of the small businessman from the German economy. As soon as skilled labor became scarce as a result of the expansion of the armament industries, the government began to comb out the independent craftsmen. Several methods were employed: first, the government required in 1935 the Proof of Full Professional Qualification (*Grosser Befähigungsnachweis*). This meant that these craftsmen who carried on their trade without having passed a master's examination would have to pass such an examination by 1939 or close shop. Those who were unable to pass the test had only one choice open: to sell their skill to a factory. Officially, the purpose of this decree was to cleanse the handicrafts from incompetent artisans and unhealthy competition. Actually, the objective was to force independent artisans into the ranks of industrial labor. As the expansion of the German war economy progressed, the pretenses of unhealthy competition and professional unfitness were dropped. A decree of February 22, 1939, to "Carry Out the Four Year Plan in Handicrafts," provided for the wholesale elimination of workshops. A similar decree of

<sup>8</sup> *Der Aufbau*, 7 (1939), 4.

March 16, 1939, to "Eliminate Overcrowding in the Retail Trade" provided for the liquidation of shopkeepers. Another method of forcing out craftsmen and shopkeepers was the imposition of high taxes and dues on these groups. New high taxes and rigid collection of taxes in arrears often achieved this purpose. In addition, the government introduced in 1938 compulsory old-age insurance. Although one of the purposes of this legislation was to obtain additional financial resources for rearmament, the compulsory government insurance of craftsmen had also the aim of demonstrating to them that their social status was hardly different from that of factory workers who are also subject to compulsory government insurance.

The proletarianization of the German middle classes, their decline from a status of economic and psychological independence to that of factory workers, is one of the most dramatic events in recent German history. It is a change that has taken place as a consequence of many trends and tendencies in the Nazi system rather than as the result of one major decision. Therefore it has often escaped the attention of observers inside Germany and abroad. The long-term implications of this liquidation of the German middle classes may be the further lessening of the chances of liberal democracy in Germany. History has shown so far that liberal democracy was originally created and later sustained by the efforts and ideas of the middle classes. Even those nations that have had working democracies for a long time have found that the weakening of the economic position of the middle classes through the concentration of economic power creates serious problems for the effective maintenance of popular government. If that is true of nations with deeply rooted democratic experiences, it is even more true of a country, such as Germany, which has never known effective democracy. Far from saving Germany from Bolshevism, Nazism has softened up the social structure of the German people, as far as their psychological resistance to Bolshevism is concerned, by proletar-

ianizing the middle classes. The logic of Nazi imperialism and the permanent war economy was stronger than the promises to the middle classes.

There is another reason why big business has a more favorable position than middle or small-scale business: Under the Nazi system the economy is riddled with red tape and bureaucracy. Practically every single step of the productive process must be approved by a government agency. The firm has to have permission to buy certain raw materials at home or abroad. This permission will, of course, be granted only if the final product serves in some way the cause of the war economy. If it has to buy the raw materials abroad, the firm will have to get permission from the Reichsbank for the necessary *Devisen*, or foreign exchange. The needed labor power will be assigned only if the government authority is satisfied that the work is for a nationally desirable purpose.

Likewise, the firm will obtain public orders only if it has the right connections. In all these innumerable steps, from the raw material to the final product, a German business firm must continually deal with government agencies. In a permanent war economy practically every available resource is made accessible to the individual businessman only on the basis of priorities obtained through contacts with government officials. This is where the big firm has a decided advantage, for it maintains regular contact men who act as the firm's "ambassadors" in its dealings with government agencies. A name like von Schleinitz or von Reventlow will always sound better in the ears of a government official, especially if it happens to be the name of a former major general or a colonel, then the name of a plain lawyer like Karl Mueller, Hans Hinterberger, or Schickelgruber with any first name. These contact men of the big firms receive exceedingly high salaries, especially if they are former army officers of high rank.

Here again, we find that the experience of total rearmament

since Pearl Harbor in the United States has substantiated this phenomenon. Contact men have received commissions amounting to millions of dollars. Ultimately these fees come from the taxpayer's pocket because they are part of the cost of an article.

It is obvious that the institution of the contact man in the permanent war economy of Nazism plays into the hands of big business, which can naturally afford to hire the best contact men and pay them high salaries. These firms can even afford to have special departments in the home offices whose task it is to deal with government agencies. The more that economic and managerial skills are dependent on political contacts, the more will big business be at an advantage as compared with the medium-sized or small-sized enterprise.

The shortage of raw materials works more against the small business than against the large one. First, the large firm will be informed by its contact men of coming changes in the distribution of particular raw materials, and will thus be in a position to make provision for the future. Also, the large business firm is able to experiment with various ersatz materials because it has the necessary funds for long-term research which the small business does not have. When ersatz materials have been found, the large firms rather than the small ones are entrusted with their manufacture. After the development of the rubber shortage in the United States caused by the Japanese capture of the East Indies, synthetic rubber research and production were naturally concentrated in the hands of a few firms which had the patents, the research staffs, and the production facilities for the new materials.

Another "reform" which worked for the benefit of big business was the corporation legislation of October, 1937. This reform ordered the dissolution of all corporations whose capital amounted to less than RM 100,000 (about \$40,000). It also provided that new firms could be founded in the corporate form only if the initial capital stock was at least RM 500,000 (about

\$200,000). The result of the forced dissolution of corporations with stock capital of below RM 100,000 was the disappearance of 20 per cent of all corporations. This meant a definite strengthening of large-size enterprise and monopoly business in German industry.

The concentration of economic power under the Nazi regime can also be seen from the following facts: The average capital of German corporations was close to \$800,000 in 1928-29. Eleven years later this average had risen to about \$1,500,000, i.e., by 95 per cent. It is also interesting that the greatest increase occurred in the category of the industries manufacturing producers' goods which play an important part in a war economy. The rise in the averages for consumers' goods industries was only slight by comparison, as their position is relatively less significant in the structure of an expanding war economy.

Another fact points in the same direction: in pre-Nazi days the average capital of new corporate firms was about \$400,000. Under the Nazi regime the size of new firms has risen to about \$4,000,000. This figure becomes understandable when we realize that 61 per cent of the stock capital in new firms was in the category of the heavy industries, the backbone of the armament program.

The profit ratios in German industry according to types of industry show the same picture. Taking the movement of the profit ratios for two typical boom years, such as 1926 and 1938, we find that the average profit rate for all industries rose from 5.17 per cent to 5.66 per cent. Taking the heavy industries and the light industries for purposes of comparison, we find that the profit ratio in the case of the former rose from 2.10 per cent to 6.44 per cent, whereas in the case of the light industries this rise was only from 4.25 per cent to 6.02 per cent. Since heavy industries have a relatively higher capital concentration than the light industries, this means that big business was the greatest profiteer from the establishment of the war economy.

Another development which has greatly strengthened the hold of big business on the German economy to the disadvantage of small business is the compulsory cartelization since 1933. The Anglo-American common law has always been hostile to combinations of trade which limit competition within a particular trade or profession at the expense of the public. In the United States, "trust busting" has been for the last forty years one of the main issues of public policy. Apart from all the economic arguments on this question, the American people have known that concentration of economic power and elimination of competition are antidemocratic developments in the American economy which cannot, in the long run, affect but adversely political democracy. The recent "Investigation of Concentration of Economic Power" by the Temporary National Economic Committee is one of the greatest investigations ever undertaken by the United States Congress.

Historically, the attitude of the German people has been quite different. Since the rise of trusts and cartels in the early eighteen seventies Germans in general have accepted concentration of economic power and limitation of free competition. The late coming of industrialism in Germany meant that large-scale enterprise emerged at once in the transition from handicraft to machine production. The major industries of the German economy, such as steel, coal, and shipbuilding, were concentrated in the hands of a few big firms from the beginning. Likewise, the importance of the munition makers was officially stressed under Bismarck and the Kaiser, as it is today. But the German people also accepted trusts and cartels as a natural part of their industrial landscape because the whole structure of state and society was permeated with institutions in which the elements of bureaucracy and large-scale efficiency were stressed. The German army and bureaucracy were both big and powerful. Government was not decentralized through the distribution of power among different classes, parties, or regions. Centralization of

political power as the accepted pattern of German politics made it appear natural for economic power to be concentrated similarly in relatively few enterprises.

Under the Weimar Republic several compulsory cartels were set up by parliamentary legislation. When the Nazis came to power they accelerated the rate of this traditional process in the German economy. The law of July 14, 1933, authorized the Minister of Economic Affairs to organize new compulsory cartels, or force upon all enterprises compulsory membership in an already existing cartel. The minister was also authorized to prohibit the enlargement of existing plant facilities or the setting up of new businesses in particular trades. Prohibitions of this sort have affected mostly the industries producing consumers' goods. By restricting investment opportunities in these channels, capital funds are forced into those channels which are deemed desirable by the state: armaments, heavy industry, and the production of ersatz materials. The cartels are not run on the leadership principle by government officials but by the firms which hold the majority. However, the term "majority" refers to the "quotas" assigned to each firm, and not to the absolute number of firms. In practice this means that a few leading firms holding the preponderance in the cartel control it. This makes for more efficiency, in the Nazi view, than democratic representation of individual firms.

The centralization of economic power has been increased by some political measures of the regime. First, Jews were robbed of their property in Germany. After 1939, the conquered populations were next. In all branches of business, Jewish property was "Aryanized" by being handed over to the biggest firms in the field. Mannesmann, Siemens, Henkel, Haniel, Krupp, I. G. Farben, to mention only a few typical representatives of German big business, were the main profiteers of legalized robberies of Jewish property in Germany and in occupied countries. In a number of cases, also, high-ranking members of the party or

their relatives and friends were among these profiteers. Herbert Goering, the brother of the marshal, received a number of directorships in this manner. The Ullstein Company, Germany's greatest publishing company of newspapers and books, was taken over by Max Amann, who happened to be, by sheer coincidence, managing director of the Nazi party's publishing company.

Since the conquest of country after country in the second World War Germany has pursued the deliberate policy of getting hold, by hook or crook (especially by the latter), of individual businesses in occupied countries. The technique first practiced against Jewish businessmen in Germany was faithfully copied with regard to all businessmen of the defeated nations. The important industrial and banking enterprises in Poland, Austria, Czechoslovakia, and France were taken over by a few big firms in Germany. The Nazi leaders, too, did not miss the opportunity of enriching themselves and their friends and relatives. Goering's nephew, for instance, occupied a position of great importance during the absorption of Rumanian industry after that country was overrun by the German army in 1940. The economic gains which German big business has acquired through legalized robbery at home or conquest abroad have chained it more strongly than ever to the Nazi regime.

The greatest single profiteer from the conquests of so many nations of the Continent is the Hermann Goering Works. A mixed-company form of enterprise in which public and private capital funds are invested, it was started in 1937 with an initial capital investment of \$2,000,000. By the end of 1940 the Hermann Goering Works employed 600,000 people, and the capital value had gone up to over \$200,000,000. Its economic activities divide the Hermann Goering Works into three main departments: mining, manufacture of armaments, and shipping. The greatest expansion of the Hermann Goering Works has taken place in the conquered territories: first came the most important mining and steel corporations of Austria, then of Czechoslovakia, Rumania,

Norway, and Poland. Goering's nephew Albert and a number of Nazi hierarchs are in leading salaried positions in the various companies all over Europe which are controlled and operated by the Hermann Goering Works. The personal profits that Marshal Goering himself has derived are not known and probably will not be published until the Nazi regime is gone. In the nineteen twenties Goering was penniless. In the nineteen thirties his style of living, according to the consensus of opinion of all German and foreign observers of Nazi Germany, is one of the most lavish, and probably more lavish than that of any of the *nouveaux riches* which the regime has produced. In defense of the marshal it might be said that he is in good company. In the publishing company of *Mein Kampf* and in the publishing activities of the party the Leader has interests which are considerable, for the profits of *Mein Kampf* alone run into millions. Dr. Ley is another leader who has solved the economic problem for himself. As head of the German Labor Front he is responsible for the management of a large number of business and banking interests which the Labor Front has acquired under his skillful leadership. The full publicity with regard to graft and enrichment of the Nazi leaders will be available only after the defeat of Germany. It will reveal a state of corruption as has never before existed in German politics. Integrity in public life used to be one of the main qualities of German social institutions. This, too, has now gone overboard.<sup>9</sup>

The mobilization of all national resources for war was formally established by the Leader on October 18, 1936, when he instituted the Four Year Plan to make Germany independent of the importation of raw materials from abroad. In charge of the Four Year Plan is Marshal Goering, whose authority includes the power to legislate within the scope of his assigned task and to give orders to all government departments and party offices.

<sup>9</sup> On the Hermann Goering Works see *Volkskischer Boebachter*, December 12, 1940, in which an account of the final reorganization is to be found.

The fact that he received more authority than anyone in Germany save the Leader points to the status of the war economy in the whole Nazi system.

While the foreign propaganda of the Nazis stressed the poverty of Germany, the home propaganda emphasized that Germany had more coal than any other nation except the United States, and that coal is the real source of modern industry and productive wealth. "Germany," Marshal Goering said in an address before German miners on January 11, 1941, "is not a poor country."<sup>10</sup> German engineers and chemists have been able to extract from coal an amazing number of products ranging from oil to synthetic rubber. Needless to say, the ersatz products gained through the Four Year Plan have been achieved at the expense of the German taxpayer. It is much cheaper to buy those materials abroad and ship them into Germany than produce them there as ersatz materials. But a permanent war economy calculates in terms of military strength and not of economic welfare.

On October 29, 1936, shortly after the establishment of the Four Year Plan, a Price Commissar was appointed by the Leader. The Price Commissar is directly under the general supervision of Goering in his capacity as Delegate in Charge of the Four Year Plan. He has control over all prices. Price regulations of all sorts had been in force since the summer of 1933, but the institution of the Four Year Plan and the transformation of the German economy into a total war economy in 1936 necessitated the regulation of all prices. The control of prices is achieved not only through the fixing of prices for the finished article but also through the control of the price factor for the various cost elements that make up the productive process. Regulations of such cost factors cover the interest rate, wages, rents, prices of raw materials, and the like. Full employment of all available man power and resources in a war economy makes such price regulation inevitable if inflationary tendencies are to be curbed

<sup>10</sup> *Deutsche Allgemeine Zeitung*, January 14, 1941.

as much as possible. They can never be fully avoided, as the experience of the first and second World Wars have shown in this country and in England, but such price fixing and controls can at least remedy the worst evils of inflationary tendencies.<sup>11</sup>

The total war economy of the Nazi system was assigned in 1937 the task of collecting scrap and waste materials of all kinds that could be used by the rearmament program. A decree of August 11, 1937, ordered all municipalities of over thirty-five thousand inhabitants to organize the salvage of scrap and waste materials from the municipal garbage collections. The air-raid wardens are the official scrap collectors for their blocks. The Hitler Youth boys and girls are also engaged in the collection of waste and scrap materials. As this organization includes all German boys and girls from six to eighteen, there is an abundance of collectors. Since the spring of 1940 service of any type in the Hitler Youth can be ordered to all boys and girls over ten, and disobedience can be punished with arrest.

In 1940 the Four Year Plan was extended for another four years. It is not easy to say whether it has been a success. First, the price of the manufacture of ersatz materials has been the shortage of other materials caused by the excessive consumption of resources in the production of ersatz. The strains on the labor resources, electrical power, and transportation seem to have been especially serious. Finally, we should remember that since 1938 Germany has conquered country after country, and geared their resources to its own war economy. The Nazis have proceeded on the assumption that the best ersatz, and the cheapest at that, is to take the real thing from abroad by force instead of investing so much labor and effort at home on ersatz articles. The mineral resources of Austria, Czechoslovakia, Poland, Belgium, and

<sup>11</sup> Discussions of the control of prices with regard to the different production factors will be found in Johannes Barthel, *Tätigkeit und Wirkung der Ueberwachungsstellen* (Berlin, 1939), and Alfred Kruse, *Preisstop und Produktionskosten* (Jena, 1940).

France have done more to alleviate the raw materials problem in Germany than any Four Year Plan.

Contrary to the commonly accepted doctrine that war does not pay, Germany has proved that it is much cheaper to seize the wealth and resources of other nations by conquest than to buy them from foreign countries or produce them at home in a roundabout fashion of ersatz procedures. The Four Year Plan was never designed to be a permanent solution for Germany's problem of raw materials because of the enormous economic waste that it involves if maintained over a long period of time. The sole purpose of the Four Year Plan was to make sure that Germany would win the second World War for which she has been preparing since 1933; after victory all raw materials would be at the disposal of the German master race in an enslaved world. The purpose of the Four Year Plan was thus not economic but political and military.

#### *Public Finance*

The financial policies of the Nazi regime have been based on the principles of war finance. Until the Dunkirk disaster, the British government followed the doctrine that the sinews of war consisted of money. It needed the catastrophe of Dunkirk to persuade the government that the total mobilization of all resources in man power and matériel, and not a limited amount of pounds sterling, would win the war. The Nazi government was never hampered by what the British call the "Treasury outlook." Since Germany embarked on preparation for war in 1933, the financial policies of the regime have been those applied by other nations in time of war.

Through a series of laws the government has put itself into the position of controlling the formation and direction of capital. In 1934 the government limited the payment of dividends generally to 6 per cent. The rest had to be invested in government

bonds. The purpose of this act was to promote the self-financing and increased investment of profits in plants engaged in the armament effort. Heavy industries have been the primary profit makers in the permanent war economy in Germany. If they do not wish to invest undeclared profits in their own plants they are thus required to turn over to the government as a loan dividends in excess of 6 per cent. The government can then use such capital funds as it sees fit.

Plants manufacturing civilian goods are not in a position to carry out this method of self-financing because their profits are kept low in the war economy, and because they are also prevented from floating new stock for the investing public without prior government approval. The law was first limited to three years, and the dividends invested in government bonds were to be made available for payment in 1938. However, the validity of the law was extended for another three years in 1937, and in June, 1941, the announcement was made that no payment could be expected before the war was over.

Actually, the dividends invested under this law amounted to only \$35,000,000 by the end of 1940. This showed that the purpose of the law was not, as some financial experts had first assumed, to curb dividends, but rather to direct investments into the right—that is, military—channels. It was announced in June, 1941, that profits over 6 per cent, which companies had previously been required to invest in government bonds, would henceforth be heavily taxed. However, this new law did not materially affect the previously existing situation because the companies are allowed to use high profits for the increase of their capital by raising the value of their stock or by issuing new stock. The same amount of profits can thus be spread over a larger volume of stock of the same value or over the same amount of stock raised in value. Although the dividend in terms of percentage yield might thus be reduced, the amount of profit which shareholders would receive would still be the same.

The effect of the stock loan act has also been to make the 6 per cent dividend something of a standard dividend. Most corporations that are unable to pay such dividends are in the field of nonessential civilian production. As a consequence, their stock has become less attractive to the investing public, which was precisely what the government had planned to achieve through this law. Another effect has also been the stabilization of dividends in industry. In England and in the United States profits are limited in time of war on the theory that, first, no one should make unduly high profits out of the war ("blood money"); and, second, that in time of war the direction of the economy by the nation practically eliminates one factor which is considered essential for the justification of profit: the element of risk.

This same consideration, especially the second one, is a permanent principle of Nazi public finance because its economy is a permanent war economy. The Nazis believe in profits for business, because plants that make profits will be in a better position to keep up their capacity to produce and will also build up reserves for actual war.<sup>12</sup> But the element of risk taking, as we normally know it in our liberal capitalist economies in time of peace, is hardly existent in the Nazi war economy in which the government is the main factor in regulating prices, wages, investments, and therefore also profits. German economists have thus noted the tendency of German securities to approach the status of rents because the rate of profit becomes practically fixed through the operation of the war economy. This does not mean, of course, that the absolute volume of profits remains static. The share of the national income which property, especially in the heavy industries, has received since 1933 has constantly risen both absolutely and relatively while the share received by wage and salary earners has proportionately declined in terms of the whole national income.

<sup>12</sup> Hugo Richarz, *Wehrhafte Wirtschaft* (Hamburg, 1938), p. 73.

The final step of governmental control of the capital market and of investments was carried out on June 15, 1942. Under this decree of very far-reaching significance all holders of stocks and bonds are required to sign over their holdings to the government and accept, in return, government bonds. The bonds will not be redeemable for the time being, but will be held in the custody of the Reichsbank. Thus the former owners of stocks and bonds will receive "frozen" government bonds in return for their property. As yet no one knows whether this is a step toward outright confiscation or merely an instrument of greater wartime control of investments. Its political effect is undoubtedly great: the investors know that their securities are now government securities. They remember what happened to government securities after Germany lost the last war, when government securities became less valuable than the paper they were printed on. This measure may thus have as its main purpose that of unalterably tying the fate of the investors to that of the government in this war.<sup>13</sup>

The pseudo-socialist character of the Nazi regime can also be seen in its bias in tax and inheritance policies. Income taxes have been uniformly increased for all groups, both before and after the outbreak of war. These uniform raises of the tax rates meant that the low and medium incomes were proportionately harder hit than high incomes. Interestingly enough, the corporation tax rate has not been raised since the outbreak of war. The bias of the regime in favor of the wealthy classes can be assessed even more clearly from the inheritance taxes. The inheritance tax rate for children is never higher than 15 per cent, regardless of the size of the inheritance. "Plutocratic" England has had inheritance taxes as high as 80 per cent, and in the United States, too, the highest inheritance taxes are two and three times as

<sup>13</sup> See Richard Thoma, *Die Staatsfinanzen in der Volksgemeinschaft* (Tübingen, 1937); John Brech, "Wagnis und Gewinn," *Das Reich*, March 23, 1941; Josef Winschuh, "Die Verrentung der Aktie," *Deutsche Allgemeine Zeitung*, March 16, 1941; "Dreifache Dividendenbegrenzung," *Frankfurter Zeitung*, May 18, 1941.

high as those in National "Socialist" Germany. The relative insignificance of the German inheritance tax can be seen from its low proportion in the total revenue: in 1939 out of a total national revenue of \$8,000,000,000, only \$35,000,000 were collected from inheritance taxes. Wealth in Germany is subject to all types of government control. Nevertheless, wealth and, through it, social power can be transferred to members of the same family more effectively in Germany than in England or in the United States. The higher inheritance taxes in the latter nations are designed to prevent the establishment of rigid classes and to maintain mobility in society, both upward and downward. The emphasis on mobility in free societies is replaced in Nazi Germany by the stress on status. We have seen how the worker is tied to his job and thus to his status in society, from which there is practically no escape upward or downward. We shall soon also discuss how the conception of status has been translated into law not only in industry but even more significantly in agriculture.

When the Nazi government came into office early in 1933 the national debt was about \$8,000,000,000. By the middle of 1941 the debt had risen to \$40,000,000,000. Even before the outbreak of war the national debt had been increased to \$20,000,000,000 as a result of heavy borrowing for the financial requirements of a permanent war economy. This war indebtedness weighs more heavily on the German people than, say, on Britain or the United States, because the per capita income in Germany is only about one half of that in the United States and less than two thirds of the per capita income in Britain. The Leader stated on the outbreak of war in his Reichstag address of September 1, 1939, that the Reich had spent RM 90,000,000,000 (about \$36,000,000,000) in the preceding six years on war preparations. Whether this figure is true or not, it is high enough in any case, even as officially presented. As early as 1935 Germany spent over 17 per cent of her national income on armaments, Japan over

8 per cent, and Italy close to 20 per cent. By contrast, Great Britain spent at that time only 3 per cent of her national income on armaments, and the United States only 1 per cent. The failure of the democracies to arm in the face of deliberately schemed aggression was, from the point of view of the Axis powers, a direct invitation to attack which no umbrella diplomacy *à la* Chamberlain could hold off indefinitely. By 1941, no less than 72 per cent of an estimated national income of \$36,000,000,000 were appropriated by the government through taxes and borrowing.

It is interesting that German financial policy in this war reverts more and more to the methods applied in the last war. In the first World War both Britain and the United States pursued the policy of paying for the war as much as possible through revenues derived from taxes rather than from borrowing. In terms of goods and services, of course, a war has always to be paid by the generation that experiences it, through less consumption of goods and services that go into the war effort. But while the question of loans versus taxes does not affect the real burden of the war, the distribution of income and wealth can be influenced very decisively by alternate uses of taxes or loans. In the first World War, Germany paid only 10 to 12 per cent of the war expenditures out of taxes. The rest was obtained through government borrowing. This was relatively low as compared with the figures in England and in the United States, where more than one third of the war costs was carried through taxation. When the second World War broke out, the German financial authorities declared that a fifty-fifty ratio between taxes and borrowing would be maintained. The German public remembers only too well that the wiping out of government debts through inflation hit especially hard the small investor who had entrusted his savings to the government. But after three years of war the ratio has already fallen below one to three: less than one third

of the war costs is now raised through taxation and over two thirds are raised through borrowing.

One important source of the German war effort is the exploitation of conquered Europe. Thomas Reveille, the author of *The Spoil of Europa*,<sup>14</sup> the most accurate study of German economic exploitation of Europe, suggests that Germany has been able to plunder Europe in the first year of war to such an extent that she has been able to make good more than the \$36,000,000,-000 announced by the Leader as the German war expenditure in the years 1933-39.

This method of paying for the war is in no way different from that applied in the last war. As in the last war, Germany is again paying for her war effort through the appropriation, by force, of the wealth and labor power of conquered nations. As in the last war, the allied nations now draw only on their own resources. As soon as Germany realized in 1918 that she would be driven out from the rich industrial areas of France and Belgium, she acknowledged defeat, because she was unwilling and unable to carry on the war with her own resources. In this war again the German war effort is carried by the enslaved nations on the Continent. It is reasonable to predict that as soon as Germany is deprived of the wealth of the conquered nations through military setbacks, she will again be unwilling and unable to carry on the war with her own man power and resources.

### *Agriculture*

The agricultural policies of the Nazi regime are a mixture of ideology and permanent preparation for war. As to ideology, Nazism emphasizes that the healthiness of the German master race is based on the purity of German blood and the ennobling influences of German soil. The Nazi thinkers have always mistrusted urban civilization because of its social mobility and rela-

<sup>14</sup> New York, 1941.

tive equality. Urban civilization has appeared to them as an evil coming from the western nations because the Industrial Revolution causing urban growth first evolved in England and France. Urban civilization is decadent, the Nazis say, because the urban population has a lower birth rate than the population on the land, because the peculiarly national customs and mores are dissolved in the cities by the acid of skepticism and cosmopolitan contacts, and finally, because the cities are the foci of radical, democratic, and socialist ideas. By contrast, the Nazis idolize agrarian civilization for a number of reasons: the birth rate on the land is higher than the average national birth rate; the agrarian population is not mobile in structure or outlook, and adheres to the traditional patterns of social behavior and national customs and mores; the agrarian population is not "poisoned" with the radical ideas of antimilitarism, democracy, and social equality that can be found in urban working classes and some strata of the urban middle classes.

An enormous amount of Nazi literature on the German peasant and his noble qualities has been put out in the last ten years. Reading it one might easily think that Germany is a land of peasants. Actually, Germany is, next to England, proportionately the most industrialized and urbanized of the great nations in the world. At the beginning of the last century, four fifths of the German population were still engaged in agriculture. Today only one in five gainfully employed persons works on the land. The number of persons living in cities over 100,000 is one third of the total population, and the number of persons living in communities below 2,000 is less than one third. However, many of the inhabitants of these small communities are not engaged in agricultural pursuits.

Thus we can see that the peasant idolatry of the Nazis is not based on the social structure of the German population, but on wishful thinking and feudal myths. The conference of the German historians in Eger (Sudetenland) in 1939 was ordered by

the government to work out the major reasons why the history of the German peasant should be studied more intensively in connection with the history of the German people. Of the five major points developed at that time two referred to the military value of the German peasant in history; one to the high birth rate; one to the character of the peasant as the foundation of the social structure, whatever that may mean; and the fifth to the fact that "the peasantry has preserved, in the struggle between Christianity and Germandom, the German heritage."<sup>15</sup>

Point seventeen of the program of the Nazi party demands land reform and confiscation of land without compensation. After ten years of Nazi rule the distribution of land has not been touched at all in favor of the landless laborers or the small land-owners. For centuries the large landowners in Prussia have been ruling Prussia and, since 1870, the German Reich. Through their control of political and military power they have also maintained their economic privileges.

England abolished in 1846 the tariffs on corn. Although the economic advantages of the small class of landowners were thus curtailed through the importation of cheap foodstuffs from overseas, the masses of the English people, through the abolition of the corn laws, achieved an appreciable increase of their living standards. This policy could never be pursued in Germany because the Prussian *Junkers* were concerned more with their own class interest than with the welfare of the German masses, and, unlike the England landed gentry, they were able to impose their interest on the whole nation. According to the official slogan, the *Junkers* were maintaining an industry which in time of war would be vital to the nation. Since German policies in the Second Reich were essentially oriented toward the permanent preparation for war, the inefficient and costly agriculture

<sup>15</sup> Wilhelm Kircher, "Die innerliche Verbaeuerlichung der Landschule," *Die Deutsche Volksschule*, 3 (1941), 6. On "authoritarianism" in German agrarian society, see Gunther Ipsen, *Das Landvolk* (Hamburg, 1933), pp. 63 ff.

of the Prussian *Junkers* was kept alive at the expense of the living standards of the German masses.

After the defeat of Prussian militarism in 1918 the German socialists had their chance of a century to expropriate the *Junkers* and divide the land among individual farmers or hand it over to co-operatives or farm collectives. It would have been possible to create a new class of farmers, independent, proud, and dedicated to political and social democracy. This program of expropriation and division of large estates was successfully carried out after 1918 in Czechoslovakia, Yugoslavia, Poland, and the Baltic States. But the German socialists missed their chance. They instituted a number of commissions of inquiry to make a thorough investigation of the whole question before any action could be taken. By the time these reports were ready, the revolutionary fire and psychological opportunity had gone.

The *Junkers* stayed on in their estates and from there schemed the destruction of the Republic. The first *Putsch* against the Republic, the Kapp *Putsch* of 1920, was planned on the estates of these Prussian *Junkers*. This antirepublican activity went on until the Nazis came into power. Although they hated the Republic ideologically, they had less contempt for the subsidies which the Republic, like the monarchy before, was paying out to the bankrupt estates, especially in East Prussia. About \$700,000,000 went into these inefficient estates in the years 1926-30 alone. About one third of the large estates were not only inefficient but actually bankrupt and dependent on the taxpayers' subsidies. It was an irony of German history that, while the socialists completely failed to tackle this crucial problem of German social structure and politics, Dr. Bruening, the German Chancellor who was the leader of the Catholic Center party, should have thought of approaching this problem as an emergency measure at the depth of the depression in 1932. When Dr. Bruening attempted to break up these bankrupt estates and settle on them landless peasants, President von Hindenburg,

himself a *Junker* to the core, immediately dismissed Dr. Bruening as a "Bolshevik." The combination of Junkerism and militarism had again triumphed over the masses of the German people.

The Nazis had promised a land reform not only in their official party program but also in numerous official statements. So far ten years have passed, and Germany still has one of the most inequitable distributions of landed property. Less than .1 per cent of the estates in agriculture and forestry comprise about one fifth of all the land. The smallest two and a half million estates have less land than the top .1 per cent.<sup>16</sup> At his death in 1941 William II owned 240,000 acres. Other estates of the high nobility include the following: Prince of Hohenlohe, 120,000 acres; Prince of Hohenzollern-Siegmaringen, 112,000 acres. And so the list goes in the agriculture of the new National "Socialist" Germany.

Far from adjusting this enormous maldistribution of landed property in Germany, the Nazis have actually increased it. The "Reich Hereditary Farm Act" of September 29, 1933, contains the following basic provisions: Farms up to 125 hectares (about 309 acres) are "hereditary" or "entailed farms." The owner must be of pure "Aryan" descent which must be proved at least from 1800. Such farms are registered as hereditary farms. They can be neither sold nor mortgaged. The hereditary farm passes on undivided to the oldest or youngest son, in accordance with the local preference in such customs. Thus the owner can neither sell, mortgage, nor will his farm according to his personal choice. All that the law allows him to do is to work on it, support his brothers and sisters until they are of age, and produce and consume in accordance with what the authorities order him to do.

Not all farms under 309 acres were to be registered as hereditary farms, but only those that were large enough to be self-sustaining for one whole family. Small farms were confiscated

<sup>16</sup> *Statistisches Jahrbuch fuer das Deutsche Reich* (1938), pp. 82 ff.

by the authorities in order to build up as large a class as possible of such hereditary or entailed farms. As a consequence the number of medium and large-sized holdings has increased between 1933 and 1938, while that of the small holdings has proportionately decreased.

All persons, both employers and employees, engaged in any of the agricultural pursuits, including fishing and forestry, are compulsorily included in the Reich Food Estate (*Reichsnährstand*).<sup>17</sup> This compulsory regulatory body of German agriculture was instituted in 1933 in order to apply the lessons learned during the blockade in the first World War. The Germans were persuaded that the next war would be won if complete self-sufficiency in foodstuffs could be accomplished.

How far have the Nazis succeeded? First, is Germany self-sufficient? Despite the most strenuous efforts, Germany is only 83 per cent self-sufficient in foodstuffs. This does not apply equally to all types of foods. Thus there is a notable surplus in potatoes, but a deficiency of about 40 per cent in fats. Germany's food supply in the second World War is better than it was in the first, for the people are given an adequate, if not appealing, diet. The efforts toward an increase of agricultural crops date back to 1919, and not to 1933. Of course, this time Germany has the advantage of controlling such agriculturally advanced nations as Denmark, Holland, and France. In the last war Germany could obtain from Holland and Denmark only part of their surpluses, and had to pay for them with manufactured goods the prices of which Germany could not set arbitrarily.

This time Germany can obtain the whole production of these countries less the meager rations allowed to their inhabitants. Generally, the food rations of Germany are about twice as high as those of the occupied nations from which Germany takes

<sup>17</sup> The Organization of agriculture under the Nazi regime is discussed in Karl Blomeyer, *Deutsches Bauernrecht* (Berlin, 1938), and Martin Busse, "Gliederung und Einheit des deutschen Bodenrechts," *Zeitschrift fuer die gesamte Staatswissenschaft*, 98 (1938), 498-534.

the foodstuffs. Even the Italian rations, demonstrating Italy's status as a German-occupied country, are only half as high as the German ones. While the French mortality rate is increasing enormously, and while death stalks in the food-producing nations, Germany takes food from these countries. It is therefore impossible to answer the question whether German agriculture would have been able, by itself, to maintain the German population in a long war in which specific deficiencies, such as fats and meats, would become increasingly burdensome to the morale and the industrial efficiency of the population.

Among the reasons for the partial failure of the Nazi agricultural ambitions and policies is the enormous migration of agricultural laborers to the cities. Between 1933 and 1939 as many as 1,300,000 persons left agricultural pursuits for work in industry and trade.<sup>18</sup> This meant that every fourth person left the fields for the factories. We remember that enslavement of the German worker to his work was also provided for in the field of agriculture. Yet the figures show that although it worked almost to perfection in industry, it apparently failed in agriculture. In addition to numerous measures tying the agricultural laborer to his work, the Nazi regime also contributed a supply of practically free labor by means of the compulsory labor service and other organizations through which hundreds of thousands of young Germans, even school children since 1941, helped the German farmer and peasant to produce as much as possible.

Nevertheless, this vast migration to the cities occurred—probably the greatest de-agrarianization in our time—and in spite of all the Nazi mythology idolizing the racial purity and general nobility of the German peasant. If the authorities had wanted to stop this migration to the cities they could have stopped it, for no one can terminate his labor agreement with an em-

<sup>18</sup> *Deutsche Allgemeine Zeitung*, November 22, 1940. See also Professor Dr. Bruno Rauecker, "Ist die Landflucht einzudämmen?" *ibid.*, February 2, 1941, and Anon., "Die Arbeitskräfte der Landwirtschaft," *Soziale Praxis*, 50 (1941), 99 ff.

ployer or change his type of work without the consent of the authorities. But the Nazi were faced with the choice, in the years of 1933-39, of using the available man power for the increased production of meats, fats, dairy products, or of guns, tanks, and planes. This was the real choice, not that between the degeneracy of urban civilization and original and creative peasant *Kultur*. Never before has a German regime so loudly insisted on the restoration of a strong and numerous class of German peasants as the Nazis have done. No regime has, at the same time, so succeeded in depleting the ranks of the German agrarian population as has occurred under the Nazis. This will have long-term effects on the German birth rate, the occupational composition, and the social outlook of the German people.

German industry has been unable to provide agriculture with the necessary machinery and farm implements during the last ten years. Herbert Backe, Secretary of State for Agriculture, has stated that less than 2 per cent of German farms are equipped with tractors. He also stressed that the requirements of the war economy for the production of guns, planes, and munitions "made it impossible to meet the demands of farmers for tractors and trucks."<sup>19</sup>

Another reason for the partial failure of the "battle of agriculture" was the decrease in arable land under the Nazi regime. The military uses of valuable land for strategical highways, airports and army camps have decreased, in the years from 1933 to 1938, the arable land by about 2,100,000 acres.<sup>20</sup> This is about 3 per cent of the total area in agricultural use. So far this investment has been profitable to Germany, since the use of a few millions of acres of its own land for camps and airfields has brought it hundreds of millions of acres through conquest. The real German formula was not, as Goering told his people, guns or butter, but butter through guns.

<sup>19</sup> Herbert Backe, "Mehr Farmschlepper," *Nationalsozialistische Landpost*, January 6, 1939. See also H. Gerdesmann, "Maschinen in der Landwirtschaft," *Der Deutsche Volkswirt*, March 7, 1941.

<sup>20</sup> Elisabeth Steiner, *Agrarwirtschaft und Agrarpolitik* (Jena, 1939), p. 15

## *Chapter XII*

### The Position of Labor

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In the Second Reich the German working class was the only social class that did not fully accept the principles of militaristic despotism. After the failure of the liberal revolution of 1848 the German middle classes made peace with militarism and autocracy: the unwritten alliance consisted in the abandonment of political democracy by the middle classes, while the privileged ruling class left them alone in their drive to get rich quickly. The successful aggressions against Denmark, Austria, and France cemented this unwritten pact between the middle classes and the military rulers.

The industrialization of Germany in the last third of the nineteenth century produced an urban proletariat which was acutely aware of its economic and political inferiority to the other classes in the fatherland. Many sought to escape this status by emigrating, especially to the United States. Others took up the fight against the alliance of big business, Junkerism, and political privilege. The ruling class was anxious to suppress the labor movement as soon as it came into life. From 1878 to 1890 German labor experienced a campaign of persecution which was organized by the combined forces of the state and antisocialist groups in society. Thousands of labor leaders and socialist party

functionaries were sent to jail, and the best-known leaders fled abroad. Most of them went to London, some to Switzerland, and a few to the United States. The persecution of labor organizations and the outlawing of socialism were an application of the methods of political autocracy and economic privilege against the one social class in Germany which had enough courage to fight for its rights. Bismarck established the tradition in German politics, since then faithfully copied by the Nazis, of referring to the leaders of free labor organizations as "enemies of the state," and not as political opponents. By 1912, over one third of the total German electorate voted for the socialist party. It was the strongest single party despite all official and unofficial pressure, discrimination, and persecution. The suggestion has been put forward by many students of modern German history that the growth of political democracy and economic equality as expressed in the socialist movement was one of the driving forces that made the German ruling class provoke war in 1914. Bismarck himself wrote in his autobiographical *Thoughts and Reflections* that war only would bring back the patriotic unity of the German people which had been lost as a consequence of the growth of anti-Prussian and antimilitaristic forces in German politics.

Nine days after the proclamation of the German Republic on November 9, 1918, the German trade-unions were recognized by the employers' groups as the legitimate representatives of all employees. The employers' organizations also formally recognized the principle of collective bargaining and the binding force of collective agreements. This was one of the first and immediate gains of the military defeat of Germany. The Weimar Constitution recognized labor's right to bargain by expressly incorporating it into the constitutional bill of rights.

Under the Republic the German workers retained their faith in their old and tested organizations. This was especially true of the manual workers. The white-collar workers and salaried employees, however, continued their prewar allegiance to national-

istic and antidemocratic organizations. The Nazis tried to appeal to both German worlds by calling themselves national and socialist. But the fraud was not so successful as long as Germans could freely express their opinions. In the last free elections in 1932 the Nazis won over a third of the votes, but in the same year in the factory elections held in Germany the Nazi vote was only 4 per cent. The German workers were not responsive to Nazi propaganda. Because deeds spoke louder than words they were little impressed by the oratorical fireworks of the Leader and Dr. Goebbels about the true German socialism of the Nazi party. The acts of violence perpetrated by Nazis upon free labor organizations convinced the workers that Krupp, Thyssen, and the other industrialists and bankers who poured millions into the Nazi treasury knew why they supported the Nazi brand of "socialism."

#### *The Destruction of the Labor Movement*

Very shortly after the establishment of the Nazi regime it became manifest that the destruction of the free labor movement must be one of the first objectives of Nazism if the complete militarization of Germany was to be accomplished in the shortest possible time. On May 2, 1933, bands of Nazi storm troopers and detachments of Gestapo agents occupied all free trade-union offices and handed them over to representatives of Nazi trade-unions. The leaders of the free trade-unions were arrested and sent to concentration camps, and the funds of the free trade-unions, which ran into many millions of dollars, were confiscated. The usual allegations of misappropriations of funds by the former officials were published. Naturally, no trials were held about this charge and no evidence was produced. Only eight days later the German Labor Front was established. It was composed of four major divisions: the organization of workers; the association of salaried employees; the organization of the artisans; and the

employers' organization of Germany. However, this structure was soon abandoned, and in January of 1934 the German Labor Front was put on a completely new organizational basis. The associations of workers, employees, artisans, and employers were dissolved because such separate entities imply the division of society into classes and the admission of class conflict.

The employers and artisans retained their superior social status by the governmental recognition of their associations in a new form. The corporate organization of the economy includes the following "estates": agriculture, industry and trade, handicrafts, transportation. Of these estates, comprising the employers or independent owners of economic enterprises, the estate of industry and trade is the most important. According to the German census of May 17, 1939, about 70 per cent of the workers in Germany, who draw a considerably larger share of the national income, are in the estate of industry and trade.<sup>1</sup> As was pointed out in the preceding chapter, the present organization of German trade and industry is essentially a continuation of the pre-Nazi national employers' organization. However, membership is now compulsory. The names of the various employers' organizations were changed, but their administrative machineries were left intact. It did not seem to the Nazi leaders that the retention of employers' organizations under a new name would promote class consciousness among employers. But all employees' organizations were disbanded. The Nazis apparently were so afraid of any workers' organizations, even under strict Nazi control, that they preferred to eliminate them completely.

This simple fact reveals more about the social bias of Nazism than theoretical discussions of the "nature" or "philosophy" of Nazism. Immediately after the appointment of the Leader as Chancellor of the Reich a campaign of violence was launched against labor leaders. It outdid anything that the German working class had experienced under the more gentlemanly autoc-

<sup>1</sup> *Frankfurter Zeitung*, June 13, 1941.

racy of Bismarck. On May 2, 1933, the leaders of free trade-unions were imprisoned and sent to concentration camps unless they had been able to flee abroad or go into hiding. Almost ten years have passed, but so far no wholesale arrests of leading officials of German employers' organizations have been known. The trade-unions were taken over by Nazi officials in May, 1933. The employers' organizations under the Nazi system of regulation are still run by the very same industrialists and bankers who paid the Nazis' way into power before 1933. The leading officials who run the provincial and local chambers of commerce occupied those positions before 1933. Naturally, here and there the Nazis stepped in and removed officials of employers' organizations if they happened to be afflicted with such a defect as having one Jewish grandmother, or if they had been known for unfriendly attitudes toward the Nazis. But on the whole, the Nazis have not taken over the chamber of commerce bureaucracy in Germany, whereas the trade-union bureaucracy and leadership of pre-Nazi days is dead, exiled, or in concentration camps. The complete change of personnel in the trade-unions in 1933, as well as the later abolition of labor organizations of any shape or form, shows that the Nazi regime mistrusts the German workers because it knows that they have never, as a mass, fully accepted it. The retention of the employers' organizations, including the old personnel, demonstrates that the Nazis know that the German employers, as a class, do not constitute a dangerous element of instability for the regime.

It is noteworthy that the Italian Fascists behaved in exactly the same way when they built up their "corporative" system in the middle twenties: the leaders of the trade-unions were imprisoned or sent to the islands of the exiled, the Italian version of confinement for political opponents. It is a de luxe version when compared with Nazi concentration camps in Germany. The leaders of the Italian employers' associations were left in their positions because they were considered "reliable" from the na-

tional, that is, from the Fascist, point of view. According to Fascist and Nazi ideas, it is Marxism and not the existence of separate classes of employers and employees that produces social conflict.<sup>2</sup>

The continuation of the old German employers' association under a new name and a new organizational setup does not mean that the employers are in a better position to dictate to the German Government than workers are. The dictatorship of the party extends to all social groups. No one in Germany except the Leader possesses either legal or physical security, and even the Leader is secure only as long as his armies are not defeated. Gone are the days when the employers could influence and often control the state machinery in its legislative, judicial, and administrative branches. The employers helped to destroy the Republic because their greed and their disregard for the working masses led them to believe in the Nazi promise that in the Third Reich a veritable paradise would be established: no strikes, no trade-unions, and no annoying parliamentary elections.

The employer is now, individually, in the same position of helplessness under the terror of dictatorship as every other citizen. But as a member of a social class he still has powerful instruments of influencing party and government officials. The German worker, by contrast, never faces the regime except as an individual. He has no labor organization of any kind or size, no institution of group solidarity. For employers, the Nazi policy is Nazi-controlled and dominated organizations. In the case of employees, the Nazi policy is no organizations.

### *The Labor Front*

The organization of the Labor Front clearly defines this status of the worker. The name itself is a propaganda trick. The

<sup>2</sup> Otto Meissner and Georg Kaisenberg, *Staats- und Verwaltungsrecht im Dritten Reich* (Berlin, 1935), p. 265.

German Labor Front comprises, despite its name, not only wage earners and salaried employees, but also employers, members of the professions, and businessmen—in short, “all working Germans of the brains and of the fist.” This so-called Labor Front is less than ersatz for the destroyed labor movement. It is something completely different, as may be seen from the following features. It includes all working Germans. Since all Germans presumably work, membership in the Labor Front has as much specific sociological meaning as the quality of German citizenship which all Germans have. Membership is not legally compulsory. But German courts have held that employees can be lawfully dismissed from their positions if they fail to be members of the Labor Front. Such failure is evidence of anti-“national” attitudes toward the new regime. Practically speaking, therefore, all employers and employees are members.

The Labor Front is not an independent administrative organization, but an integral part of the Nazi party, like the Hitler Youth or the Storm Troopers. The leader of the Labor Front is appointed by the Leader of state and party. According to Dr. Ley, leader of the Labor Front since its establishment, it “is but an instrument of the party.”<sup>3</sup> Article 4 of the decree of the Leader of October 24, 1934, expressly provides that the leaders of the Labor Front are to be taken from the personnel of the former Nazi trade-unions, from the officials of employers’ organizations, and from the ranks of the Storm Troopers (SA) and Elite Guards (SS). The legal compulsion to take the leadership of the Labor Front from the ranks of the storm troopers throws some light on the nature of the “folk community” in which the German working classes, deprived of their free organizations, are to be included. The very storm troopers who used violence

<sup>3</sup> Dr. Robert Ley, “NSDAP und Deutsche Arbeitsfront,” in *Deutsche Geschichte seit 1918 in Dokumenten* (ed. by Ernst Forsthoff) (Stuttgart, 1938), p. 326. See also Heinz Brauweiler, “Vom Arbeitsrecht zur Ordnung der nationalen Arbeit,” *Zeitschrift fuer die gesamte Staatswissenschaft*, 96 (1936), 149-75, and Rolf Dietz (ed.), *Gesetz zur Ordnung der nationalen Arbeit* (Berlin, 1939).

against free labor organizations before 1933 and destroyed them in that year are now to educate the German working classes toward a perfect community of equal interests.

The Labor Front is organized along territorial and functional lines. Because it is an integral part of the Nazi party, and is staffed with party and storm troop officials, its territorial organization follows the pattern of the *Gau*, or district, organization of the Nazi party.

The functional organization of the Labor Front is effected along lines of business. There are eighteen functional subdivisions of the Labor Front: foods, textiles, clothing, building, lumber, iron and metal, chemical industries, printing, paper, transportation and public enterprises, mining, banking and insurance, liberal professions, agriculture, leather industries, stone and earth, commerce, handicrafts. These eighteen functional subdivisions of the Labor Front are made up of territorial units. The individual factory or business enterprise belongs to the local group of one of the eighteen functional branches of the Labor Front. The functional groups have as their lowest unit the whole individual enterprise, owner and employees.

Within the Labor Front there are no separate organizational entities made up exclusively of either employers or employees. The lowest unit of the Labor Front is the individual plant or enterprise. Employer and employees form one entity in the framework of the Labor Front. The German workers are thus completely atomized. They are allowed no organization of their own either territorially or functionally. The individual worker or employee is a member of the national organization of the Labor Front. He is not allowed to form any organizations whatsoever, with others in his line of work, or with others in his locality. On the other hand, we have seen that employers have retained in their chambers of commerce some remnants of pre-Nazi organization.

*Employer and Employee*

The individual plant is the lowest organizational unit of the Labor Front. The new relationship between owner and workers is one of the most interesting features of the whole Nazi regime. The enterprise is officially called "enterprise community" (*Betriebsgemeinschaft*). Although the workers have been deprived of their collective organizations, at least they have now the uplifting feeling of working, under the Nazi regime, in "enterprise communities," and not just in enterprises, as in the bygone days of liberalism and republicanism.

As in so many other reforms, Nazi innovations in the field of labor-capital relations represent a return to medieval, feudal principals reintroduced by the most modern means of terror and intimidation. Article 1 of the Law for the Regulation of National Labor of January 20, 1934, plainly states that the owner of an enterprise is its leader and the employees are his followers (*Gefolgschaft*). This is the frank application of the leadership principle to the field of capital-labor relations. The relation is not, as in western nations, one of legal equality expressing itself in freedom of contract and mutual bargaining, but of leadership on the part of the owner, and obedience on the part of the employees. In no other Fascist country has the social and legal power of economic superiority been so ruthlessly expressed as in this Nazi piece of legislation. Article 2 of the law of January 20, 1934, provides that the leader of the enterprise decides authoritatively all matters relating to the plant, in conformity with legal provisions. Section 2 of the same article states that the leader has to act for the welfare of his following, while the latter has to keep faith with the leader. This is feudalism under new names and new technological conditions.

The struggles against political privilege in the Middle Ages centered around the fact that the mass of "followers" did not always agree with the conception of welfare which the master,

or leader, entertained. Nazism is a return to this notion of welfare which the leader graciously dispenses to "his men." They, in turn, have to show their gratitude by being faithful to their leader. It is a conception of society in which the mass of men are taught to keep their place and be pleased with a little welfare here and there.

Shortly after the proclamation of the Republic in 1918 the German working class achieved an important measure of economic democracy through the establishment of elected councils in factories and business enterprises. They were called "Councils of Confidence" (*Vertrauensraete*). This institution was not abolished by the Nazis, but was retained in name and completely deprived of its substance. Only enterprises employing more than twenty workers are to have these councils. Their minimum size under the new legislation is two members, and their maximum number is ten, regardless of the size of the plant. The members of the councils have to be approved by the party and have to possess a record of political reliability. The list of candidates for the council is made up by the leader of the enterprise (who is none other than the employer) in conjunction with party officials. Members of the council can be dismissed by a government official, the Labor Trustee, if they appear to be incompetent or politically unreliable. No such council elections have been held in Germany since 1936 for it has become customary to re-appoint old members or to co-opt new ones. As the authority of the councils is in any case purely advisory, it does not make much practical difference how they are elected.

The government has found it necessary to create a new agency which would handle wage disputes and other important conflicts between labor and capital. The old free trade-unions were destroyed by the Nazis. The Labor Front is but a propagandistic instrument of the Nazi party designed to acquaint the German workers with the inspiring features of their new status as followers. On May 19, 1933, "Labor Trustees" were appointed

by the government to take care of wage disputes between employers and employees. Strikes are criminal offenses, and labor has no collective organizations. The Labor Trustees do not deserve to be called either "labor" or "trustees." They are appointed officials who authoritatively decide wage disputes in individual plants. They represent the interests of the war economy against the claims of both employers and employees. The pre-Nazi labor courts, one of the most interesting institutions of republican days, were abolished, and new "courts of social honor" established. Since the vital issues relating to labor and capital have been taken out of the hands of either and placed into the hand of the government-appointed Labor Trustees, the courts of social honor deal only with acts of personal misconduct which run counter to Nazi conceptions of the conduct of employers or employees.

### *Strength through Joy*

The only organization of the Labor Front which the German masses use is "Strength through Joy" (*Kraft durch Freude*), the official agency which supplies entertainment and recreation to the masses. The modern dictatorship does not allow the individual to pursue any activities by himself even if they are purely social and recreational. A totalitarian regime always seeks to keep the individual under official supervision during both working and leisure hours. Furthermore, after the destruction of political parties, social organizations of a nonpolitical character were next on the death list. No social or recreational club can exist in Germany unless it is affiliated with, and controlled by, Strength through Joy. Germany had tens of thousands of little clubs in which people with the most varied interests, from chess to canary breeding, banded themselves together in all types of leagues and associations. All this is gone. No organized social, sport, or recreational activity can be carried on independently of Strength through Joy.

One of the most important acquisitions of the organization is the large number of "People's Colleges" (*Volkshochschulen*). In pre-Nazi days, large cities in Germany almost always possessed a "people's college." For the benefit of those who had been unable to receive a higher education in their youth, instruction was given in practically all subjects taught in a regular college. These people's colleges were similar to the extension divisions of many American and British universities, except that the former were not officially connected with universities, although many instructors were university teachers. Strength through Joy has taken over these people's colleges and turned them into propaganda units of the party in which there is a continuous output of lectures on war, racialism, and Nazi ideology.

The masses do not receive the recreational facilities of the Labor Front as a gift from the government. In 1937, the leader of the Labor Front stated at the Nazi party congress that the annual income of the Labor Front was about \$160,000,000. This revenue has increased steadily. Early in 1941 Dr. Ley announced that the annual income was \$240,000,000.<sup>4</sup> Between 20 and 25 per cent of the revenue of the Labor Front goes into administrative expenses, whereas the officially stated expenditure on Strength through Joy amounted to 10 per cent of the total expenses of the Labor Front. Strength through Joy is a relatively expensive organization because in pre-Nazi days many of the organizations which supplied the German citizen of low income with entertainment and social activities were voluntary organizations, administered by honorary officers who received no remuneration. Today all these activities are in the hands of paid officials who have built up a costly organization which supplies them with a new type of livelihood. In the address mentioned above, Dr. Ley stated, for instance, that the turnover of Strength through Joy in the last year before the war (presumably he meant 1938) was \$1,250,000,000. It is obvious that a single or-

<sup>4</sup> *Deutsche Allgemeine Zeitung*, January 31, 1941.

ganization which handles so much money in a single year must possess a staff of thousands of employees. The organization of such entertainment in the Nazi regime is costly to the Germans of low income. Totalitarian entertainment has occasionally impressed foreign visitors because of its massiveness and centralized organization, but it is difficult to compare it with entertainment in free countries. Totalitarian recreation is propaganda and mass control rather than entertainment, as it is understood in free societies. Its main purpose is to stifle free or voluntary associations, and to channel all activities, even the most private, into organizations which are operated by and for the government.

### *Industrial Serfdom*

The position of wage earners in Germany has been changed into that of industrial serfs. It was a characteristic of the Roman slave and medieval serf that he was "attached" to the property and estate of his lord. He could not freely move. He did not possess an independent personality, but had the character of a thing, constituting part of the lord's estate. The German working class has gradually been reduced to a similar position, except that the lord who now determines the conditions of such industrial or agricultural attachment is no longer the individual lord as in Roman or medieval times, but the state in its aspect as a mechanism for total war.<sup>5</sup>

The law of May 15, 1934, brought two restrictions of the worker's freedom of movement. The public employment offices were authorized to prohibit in areas of relatively higher unemployment the employment of persons who were not residents of such areas, or who had worked in agriculture for the last three years. The employment offices were also authorized to order the dismissal from industrial jobs of persons who had previously

<sup>5</sup> Richard Naumann, "Freizuegigkeit und Reichsplanung," *Archiv des öffentlichen Rechts*, 28 (1937), 348-65, gives an analysis of the reasons that have induced the Nazi regime to abolish freedom of movement for workers.

worked on the land. This was to alleviate the labor shortage in agriculture. The decree of August 28, 1934, empowered the public employment offices to rearrange employment in order to employ more older persons and those who had many children. Dismissed workers under twenty-five were to be placed in agricultural positions. In this process of labor rearrangement the employers were ordered to give preference to members of the Nazi storm troop formations and to those members of the party whose membership number was below five hundred thousand. The law of November 5, 1935, provided that employment services of any kind could legally be carried on only through the public employment offices operated by the national government. This was to strengthen the centralized control of all wages earners at the source of labor supply.

The Four Year Plan of 1936 further restricted freedom of movement and employment. To ensure an adequate supply of skilled labor for the most important branch of the armament industries, a decree of November 7, 1936, compelled public and private enterprises in the metal and construction industries to train apprentices in proportion to the number of the employed workers in the plant.

Another decree of November 7, 1936, provided that no new metal workers could be hired by private or public enterprises without the approval of the public employment office. The "state-political" significance of the plant that requested new metal workers was to be decisive. The most important recognized purpose was the production of war goods. Next came the production of substitute articles vital to the war economy, and, finally, articles for export.

A third decree of the same date provided that employers had to inform the employment offices of metal or construction workers who did not utilize their training and skill in their present work. The employment services were then ordered to transfer such workers to other plants where they were needed.

A fourth decree of the same date required all plants and workshops employing at least ten persons to hire a proportionate number of employees over forty years of age in conformity with their training and skills. If necessary, younger employees, especially if they were under twenty-five, were to be dismissed in order to make room for persons over forty. It was assumed that younger persons would find little trouble in obtaining employment, especially on the land, where there was a considerable shortage of labor.

The fifth and final decree of November 7, 1936, provided that newspapers could not publish advertisements for metal and construction workers unless the full name and address of the firm were included. This was to prevent the underhanded hiring away of such workers from their present employment.

On February 26, 1935, the Work Book was first introduced for some sections of wage earners and salaried persons. The employment office is in possession of one copy of the Work Book of every wage or salary earner. The Work Book contains accurate information about the worker's training, vocational experience, and lists all positions held in the past. Each Work Book also contains information as to whether the worker has any one of the following three skills: flying, driving, and agricultural experience. No worker or employee may be hired without submitting his Work Book to the employer. An employer who hires a worker without the Work Book is subject to heavy penalties. The purpose of the Work Book is twofold. It supplies the government with a detailed occupational census of the German working population, a census which, moreover, is kept permanently up to date. In addition, the worker is tied to his Work Book as the symbol of his industrial serfdom. If an employer is authorized to retain the Work Book of a worker who leaves his position prematurely, this means that no employer may hire such an employee until the employment term of his previous position has expired.

A decree of December 22, 1936, authorized employers in the following industries to retain the Work Book of a worker who left his position before the termination of his employment contract: iron and metal industries; building, including the manufacture of bricks; and agriculture. The employers were entitled, under this decree, to retain the Work Book of the employee until the date of the expiration of the employment term.

A decree of October 6, 1937, provided that masons and carpenters could neither leave their positions, be dismissed by their employers, nor be hired by another employer without the approval of the district employment office. They thus became, in effect, tied to the jobs in which they were at that time engaged.

Since December 14, 1937, licenses for traveling salesmen or peddlers have been granted only with the special permission of the employment services. The purpose of this decree was to relieve the growing labor shortage through the forcible employment of persons of independent or semi-independent status.

On March 1, 1938, graduates under twenty-one of all types of educational institutions were ordered to register with the local employment offices within two weeks of graduation. Simultaneously, employment offices were authorized to prohibit the hiring of new personnel in any enterprise which in the opinion of the employment office was not engaged in activities vital to the war economy.

The decree of June 22, 1938, introduced labor conscription for all German men and women. According to this decree the government can assign to anyone a job which he or she has to accept for a defined period of time. Every German can also be forced to submit to a vocational training in a particular trade. Section 2 of the decree provides that only the president of the national employment service can permit such a labor conscript to abandon his assigned position. After the assignment is over, the conscript has a right to return to his or her previous position. This decree was amended on February 13, 1939, to the effect that

all German citizens can be conscripted for an unlimited period of time for services which are important to the war economy.

The amendment also provided that the employment office could prohibit the termination of employment contracts for whole industries. A short while afterward a new decree of March 10, 1939, provided that no enterprises could hire persons employed in the following industries: agriculture and forestry, mining, chemical industries, production of building materials or iron and metal industries. Workers in these industries became tied to their jobs, since they needed a double permission for a change: that of the employment office in the district of the present employer, and that of the employment office in the district of the prospective employer. The worker was tied to his job even if he did not want to change to another firm, but wanted to retire, go into a business of his own, or emigrate. The workers under this decree of March 10, 1939, also included unpaid workers, such as members of households. This was especially designed to prevent children of farmers from going into cities to look for employment. By giving these unpaid workers a Work Book, full control of their movements could be maintained.

Thus the German workers in agriculture and in the war industries were tied to their jobs even before war began in 1939. The existing laws and decrees of industrial serfdom were brought together and enlarged into one general law of September 1, 1939, the day on which Poland was invaded. Under this law, no person, working with or without pay, may be dismissed or hired without permission of the local employment office. This applies to both private and public employment. Although the law had never been formally stated in this general form before the outbreak of war, in practice it was applied since 1938 on account of the acute labor shortage.

Labor conscription, too, was applied before war broke out. From 1938 onward there were always about half a million persons engaged in work for which they had been drafted. Thus, half a

million labor conscripts were busily engaged in the building of the Westwall in 1938, while Mr. Chamberlain trusted, for England's security, in his umbrella and the Leader's word of honor. The conscripts are often separated from their families. Like war service, the duration of draft labor is indefinite. Late in 1940 the number of labor conscripts was stated by State Secretary Dr. Syrup to be between 500,000 and 550,000.

Absence from work is no easy matter under the Nazi system of industrial serfdom. Whoever is absent from work without excuse is liable to a fine if he commits that offense once. Repetitions and deliberate absences are punished with prison terms that run from two months to a year, according to sentences published in German papers. Stubborn and lighthearted absentee workers are provided with another cure. If they cannot be cured through prisons and concentration camps, they are sent to labor training camps (*Arbeitserziehungslager*), a combination of forced labor and concentration camp. This method, we are informed, "has worked in each case in which it has been applied so far."<sup>6</sup>

Labor conscription was first introduced on June 26, 1935, for all German youths, male or female, of eighteen years.<sup>7</sup> Before the war the minimum term of service was half a year; since 1940 it has been one year. The work performed in the labor service camps does not compete with private industry. Work projects include drainage of land, and the construction or improvement of highways. Propaganda is an official part of the day's program for both men and women. In addition, the young men receive a semimilitary training, while the young women are trained for tasks which are useful for the army in peace and war. But the main emphasis is on heavy labor. The year of conscription of all youths of eighteen means that they have to render one year of compulsory work for projects which are directly or indi-

<sup>6</sup> *Deutsche Allgemeine Zeitung*, February 11, 1941.

<sup>7</sup> A detailed account of the nature, organization, and purpose of the compulsory labor service will be found in Hans Bernhard Brausse, "Das Recht des Reichsarbeitsdienstes," *Verwaltungarchiv*, 41 (1939), 129-59.

rectly related to Germany's war potential. Since the young men have to serve two additional years of compulsory military service, the third year makes it that much harder for them to spend additional years for vocational training. This is one of the reasons why the enrollment in German universities and institutions of higher learning has gone down so sharply under the Nazi regime. Only parents who are comparatively well off can afford to send their sons to school for years after they have reached an age at which they should be economically independent.

The mobilization of women for the war economy started as early as 1936. When war broke out, over eight million women worked in Germany as compared with four million in 1933. For this reason, only few additional women, probably not more than half a million, have been added to the labor force since the outbreak of war because the existing war economy of the middle thirties had already absorbed practically all women that could be considered employable. In 1937 and 1938 women were used as streetcar conductors, post office clerks, railway clerks, and in other types of work in which they were employed in the first World War. The reserve of women for additional employment was very small. The increase of the compulsory labor service from six months to one year means that every girl or woman is subject to labor conscription for a year when she reaches the age of eighteen. According to German statistics, 91 per cent of their work was done in agriculture.<sup>8</sup> These girls receive about fifteen cents daily. But the regular year of labor service is not the only form of compulsory labor. There are many other types ordered from time to time. Thus it was decreed at the end of the spring semester in 1941 that all female students would be conscripted for work in munitions factories during the vacations.<sup>9</sup>

<sup>8</sup> Ursula von Kardorff, "Maedchen dienen," *Deutsche Allgemeine Zeitung*, May 11, 1941.

<sup>9</sup> *Frankfurter Zeitung*, May 30, 1941.

*Hours and Wages*

The permanent mobilization of labor for war is also evidenced by the continuous stretching of the working week under the Nazi regime. The eight-hour day was one of the great achievements of the German workers under the Republic. Frequently the forty-hour week had been introduced through collective agreements. The length of the working day and working week has been determined, since 1933, by the Labor Trustees and other government officials instead of by joint agreements between labor and capital, as in pre-Nazi days. The decree of July 26, 1934, concerning the length of work, retained, in principle, the eight-hour day. But with the expansion of the armament economy this principle was shot through with exceptions granted for enterprises engaged in the war economy. The decree of January 1, 1939, provided for the retention, as a general rule, of the eight-hour day. But by that time the labor shortage in Germany had become so acute that exceptions were freely granted. However, before the war it was necessary for the employer to obtain permission to stretch the work day beyond eight hours. Moreover, overtime had to be paid at higher wage rates. Employers received permits for exceptions so freely that the ten-hour day became the customary working time in Germany. Early in 1939 the Labor Front announced that many workers were frequently working from twelve to fourteen hours, and in some cases even longer.<sup>10</sup> Workers were glad to have the opportunity to work so many hours. Since wages, like other cost factors in the productive process, were frozen by the Labor Trustees, many workers were anxious to increase their income through overtime.

On the first day of war the Cabinet Council for National Defense issued a series of decrees abolishing all achievements of German labor since 1848. Some provisions even removed the protection which the Prussian factory laws before 1848 had granted

<sup>10</sup> *Frankfurter Zeitung*, February 2, 1939.

to the working classes. We have mentioned before that the "Decree for the Limitation of Change of Employment" of September 1, 1939, generally abolished the right of German workers, paid or unpaid, to change their positions without permission of the public employment offices. Similarly, the "Decree for the Change and Supplementation of Provisions in the Field of Labor Law" generally abolished all legal protection which the German workers had previously enjoyed as to conditions of work. As far as the working hours are concerned, this decree abolished the prohibition on night work for women, and also authorized the labor authorities to eliminate protective legislation relating to women and children under eighteen. A supplementary decree of September 4, 1939, provided that overtime after the eight hour should be paid by the employer, but that the surplus should not be paid to the employee. It fell into the Reich treasury as a contribution of the workers to the war effort. Likewise, bonuses for night work, or for work performed on Sundays and holidays, were to be handed over to the Reich treasury as a contribution to the national effort.

The reaction of the workers to this wholesale abolition of legal rights won in struggles lasting over three generations, was so unfavorable and hostile that the government saw itself compelled to modify some of the worst features of the emergency legislation of September 1, 1939. Several additional decrees issued in November and December of 1939 and in January, 1940, restored some of the abolished rights. Since January, 1940, the new situation may be briefly summed up as follows: The normal working day for male employees over eighteen is ten hours daily or sixty hours weekly. This means that no overtime is paid for the extra hours worked after eight hours daily or forty-eight hours weekly. The sixty-hour week is the normal time. Additional hours may be worked as long as the "necessary rest" is guaranteed to the worker. There is no general administrative or legal definition of necessary rest. It is the task of the labor

authorities to define its length for particular industries and categories of workers. The elasticity of necessary rest is also increased by the nature of the work to be performed. The more important the work is for the war economy, the more the elasticity of necessary rest is interpreted against the worker. The pay for the time over ten hours daily must not exceed an additional bonus of 25 per cent of the regular wage rate. This compares with an overtime pay of an additional 50 per cent after eight hours daily in the United States.

Night work for women and children from sixteen to eighteen is again prohibited since December, 1939. The working hours for women and for children between sixteen and eighteen are ten hours daily or fifty-six hours weekly. Overtime after ten hours daily is paid extra, and night work can be done only with the permission of the authorities. This special permission is normally granted if the requested work is essential for the war effort and no adult males are available. Children under sixteen are not, "as a rule," to work more than fifty-four hours weekly.

The wage policy of the Nazi regime has also been an integral part of total mobilization for war. Since 1933 wages are no longer arrived at in Germany by collective agreements between labor unions and employers. There are no labor unions that could represent the employees. The leadership principle has replaced free bargaining. The Labor Trustees, government officials, set wage rates for particular areas or industries. These wage rates can be either minimum or maximum wages. An indirect control of wages is also achieved through the attachment of workers to their jobs. Since workers cannot move freely from one job to another, the wages can be stabilized through eliminating the factors of supply and demand as they apply to labor. At the outbreak of war the Labor Trustees were generally empowered to set ceiling wages regardless of the existing wage structure. Heavy penalties face the employer who seeks to get around fixed wage ceilings through disguised bonuses of all sorts.

The proportion of wages and salaries in the total national income is evidence of the decline of German labor's share of the wealth that the nation produces. Official German statistics show that the relative share of earned income has declined from 1929 to 1938, whereas the income derived from property has increased. This means that owners of property, entrepreneurs, and recipients of incomes derived from investments have increased their share of the national income under the Nazi regime, while workers and salaried employees have lost part of their previous proportion of the national income. Earning through property has done better under the National "Socialist" regime than property through earning. All wage and salary earners received 69 per cent of the national income in 1929: in 1938 they received only 63 per cent of the national income. The movement was the reverse for the incomes derived from property (profits, dividends, interest, rent): from 22 per cent of the national income in 1929, they rose to 28 per cent in 1938.<sup>11</sup> The gravity of this figure is increased by the following fact. The number of people in Germany who have become wage or salary earners since 1933 has greatly increased in its proportion to the total population. Artisans, small entrepreneurs, and traders were driven out from their economic independence, and practically forced into factories working for the rearmament program. This not only means that under the Nazi regime the proportion of the earned wage and salary incomes has declined; it also means that a proportionately larger number of people receive now the relatively lower share of the national income. Summarizing we may say that a proportionately larger share of the population was composed of wage and salary earners in 1938 than in 1929, and that the total income of this group was relatively lower in proportion to the national income in 1938 than in 1929.

It is also typical that among the wage earners the number

<sup>11</sup> *Statistisches Jahrbuch fuer das Deutsche Reich* (1938), p. 560; *Wirtschaft und Statistik*, 19 (1939), 705-6.

of those who receive the lowest incomes has increased under the Nazi regime. The number of workers who received a weekly wage of RM12 or less (about \$5.00) was 16 per cent of all workers in 1929, but 22 per cent in 1938. There was relatively little change in the other wage levels in the same period. The distribution of salary earners according to income developed differently, although not markedly so. Twenty-eight per cent of the salary earners earned RM100 or less (about \$40) monthly in 1929. This percentage declined to 26 per cent in 1938. However, this was more than offset by the rise of salary earners making over RM500 monthly (about \$200) from 5 per cent of the total number of salary earners in 1928 to 7 per cent in 1938.<sup>12</sup> The sharp proportionate increase of the highest stratum of salary earners is no doubt partly due to the political bias of the regime toward the salaried class which, in turn, had been more friendly than the workers toward Nazism before 1933. But a good deal of this proportionate rise of high-salaried incomes is due to the evolution of the new party bureaucracy and the administrative staffs of the manifold organizations which are controlled or operated by the party.

No adequate data are available as to the changes, if any, that have occurred in the distribution of wealth under the Nazi regime. Available statistics relating to the distribution of wealth in 1931 and 1935, however, show that the inequality in the distribution of wealth, like the inequalities of income, has increased in those four years. The relatively highest increase occurred in the categories of persons who owned between a quarter of a million and a million marks. These data are not sufficient for an accurate and up-to-date picture, but they tend to corroborate the increased social and economic inequality under the Nazi regime as evidenced by the increased inequalities of income and the proletarianization of the lower middle classes.

The deterioration of the relative position of German workers

<sup>12</sup> *Vierteljahrsschriften zur Konjunkturforschung*, 14 (1939-40), 12.

can also be assessed from the decline of nutritional standards. Family budgets of German working-class families were examined by the German Statistical Office in 1927 and 1937 as to expenditures on different items. Some of the more interesting facts emerging from these detailed investigations are the following: the consumption of rye bread increased, between 1927 and 1938, by 20 per cent, whereas the consumption of white and whole-wheat bread declined by 44 per cent. This figure is to be understood against the background of German mores, according to which white bread is the symbol of wealth and rye bread that of economic want, if not poverty. The per capita consumption of meats declined, from 1927 to 1937, by 18 per cent in meat and meat products, and by 11 per cent in bacon. It is useful to point out that meat is in Germany, as in many other countries, the type of food which very definitely denotes the social status of a family. Likewise, the consumption of fish declined, but the decrease was only 6 per cent. These decreases in meat, bacon, and fish consumption were partly offset by the increased consumption of butter (15 per cent) and vegetable oils and fats (25 per cent). The decline in the consumption of other dairy products was appalling: the per capita consumption of milk and eggs dropped by 14 and 41 per cent, respectively. The consumption of margarine, which declined by only 3 per cent, was partly offset by the rise of cheese consumption (12 per cent). However, the fat contents of German cheese declined steadily in recent years. The per capita consumption of tropical fruits, vegetables, rice, and sugar decreased by 37, 7, 6, and 5 per cent, respectively. This was again only slightly compensated by the increased consumption of potatoes (4 per cent). Potatoes are associated in Germany with poverty, for they are one of the main staple foods of low-income groups. The decline of the consumption of certain high-quality foods has, of course, not been confined to the working classes, but theirs is considerably greater than the general decrease of consumption of high-quality foods by the whole German popu-

lation.<sup>13</sup> The decline in the consumption of high quality foods does not mean that the German workers are starving, but merely that their diet has decreased in taste and quality because of the necessities of the war economy. It is another question whether the physiological effects of deficiencies caused by further declines of such foods in a long war will seriously affect the health and stamina of the working population.

In conclusion, one thing should be borne in mind in the analysis of the position of German labor under Nazism. Before and after the advent of Nazism to power the German worker has known that his human, political, economic, and cultural achievements were incompatible with the totalitarian and militaristic character of Nazism. Not a single institution which the German workers had painfully built up in the last three generations has survived the establishment of the Nazi regime. In spite of all this, the German worker also knows that before the Nazis came to power, Germany had three, four, five and even six million unemployed. This latter figure was reached in 1932, at the depth of the depression, out of a total working population of eighteen million. Out of every three working persons one was unemployed. Under the Nazi regime, unemployment has not only vanished, but has been replaced by a very considerable labor shortage since 1937. The increasing employment of women, retired persons, and foreign workers long before the war pointed to this change in the German economy. It was obvious to the German worker, as to the outside world, that the Leader produced no "miracle" in abolishing unemployment in Germany, as some of his friends in the democracies alleged. Labor shortage is a chronic phenomenon in a war economy. A single year of war in the United States has not only eliminated millions of unemployed but created a labor shortage in many essential industries. The

<sup>13</sup> *Die Lebenshaltung von 2,000 Arbeiter-, Angestellten-, und Beamtenhaushaltungen, Teil I: Gesamtergebnisse (Einzelschriften zur Statistik des Deutschen Reichs, no. 22, Berlin 1932), Wirtschaft und Statistik*, 19 (1939), 118, 323, 463.

technological nature of modern warfare demands about three times as many workers on the home front as was required in the last war. If England and the United States are suffering from labor shortages after only a relatively short period of war, it is no wonder that a permanent war economy, such as the Nazi economy, has suffered from it long before war broke out. The shortage has become so acute that the Nazis have forced, cajoled, and persuaded about five million foreign workers to work in Germany. Where persuasion fails, force is applied by Nazi authorities and the local quislings to drive foreign workers into German factories. In addition, of course, there are the unknown millions of Russian prisoners, the million and a half of French prisoners, and the other prisoners, Polish, Serbian, Belgian, and others, numbering another million.

Throughout the last ten years the German worker has had to admit to himself that whatever the Nazi regime has done to reduce his status, economic, political, and human, at least it has taken the fear of unemployment from his mind. A worker will ordinarily prefer to produce ploughshares rather than tanks. But most foreign economists forgot that a worker will also prefer to produce tanks and guns rather than be idle and live on the dole. The effective answer to employment in a permanent war economy is not a social system which offers to the worker political freedom and chronic mass unemployment, as happened in Germany before 1933, and in democratic nations since 1929. Likewise the German worker will not be convinced by the argument that Nazi employment is no miracle, because it is based on a permanent war economy. The most effective answer, therefore, to employment without freedom is employment *and* freedom.

## *Chapter XIII*

### Foreign Policy and the New Order

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#### *The First German Drive for World Domination*

Nazi foreign policy has a single major objective—world domination. This aim has been the *idée fixe* of German policy since 1870. In 1866 Prussian militarism achieved the first stage of its expansion: the whole German people, with the exception of the Austrians, were united by the sword of Prussian might. The defeat of Austria by Prussia in 1866 meant that Prussia would henceforth rule the German people in accordance with the principles of power politics and the needs of permanent war. The formal establishment of the German Reich in 1870 placed the resources of the whole German people at the disposal of a Prussian-German war machine geared to a policy of expansion through conquest.

After hegemony in the “German living space” was assured, Prussia proceeded to gain supremacy in Europe. The crushing defeat inflicted upon France in 1870 established Germany as the leading Continental power. Politically, economically, and militarily Germany was thenceforth the strongest single power on the Continent. As long as Prussia pursued its policy of German hegemony, the European powers took little interest. Even when Germany acquired, under Prussian leadership and by Prussian

methods, Continental supremacy, the other world powers, especially Great Britain, did not feel particularly alarmed. Earlier in the nineteenth century the French had represented to the British people the threat of world domination. Britain therefore was diplomatically neutral in the Franco-Prussian War of 1870, but unofficially many influential political leaders were on the side of the Germans, comrades-in-arms in the Napoleonic Wars.

However, the world soon discovered that European hegemony was not enough for Germany. In a famous phrase of that time (*Weltmacht oder Niedergang*: "world dominion or decline") the new aim of German foreign policy found its popular slogan. In Europe itself German supremacy was increasingly represented by more and more nations that had at first regarded it with benevolent sympathy or, at least, with friendly neutrality. The connection between internal and foreign policy became once again manifest. A political system like the German was unable to win the allegiance of millions of its citizens—Catholics, socialists, Poles, Alsatians, Lorrainers, Danes—and had to rule them by force because they were "enemies of the Reich." Such a system was in no position to wield Continental hegemony by voluntary co-operation and free assent on the part of the non-German nations and states in Europe. As before and after the Second Reich, German leaders at that time were insensitive to the suspicion and fear, bordering on dislike and hatred, which Germany increasingly aroused. If aware of such attitudes, German leaders could not understand why they were so unpopular. Field Marshal von Moltke once told Lord Russell, British Ambassador in Berlin, that "Germany, for reasons he could not account for, since the foundation of the Empire, appeared to inspire hatred and suspicion, rather than confidence, in her former friends and allies."<sup>1</sup> Emperor William II also wondered how "with his well-known peaceful intentions, he had come to be looked upon as

<sup>1</sup> Winifred Taffs, *Lord Odo Russell* (London, 1938), p. 20.

a disturbing element.”<sup>2</sup> During the first World War one of Germany’s leading historians, Professor Erich Brandenburg, referred to his fatherland as “the best-hated country” in the world.<sup>3</sup> German foreign policy was not anxious to make as many friends as possible. This was quite in conformity with the German proverb which says “Many enemies—much honor” (*Viel Feind, viel Ehr*).

The causes of the German urge for world domination in the Second Reich were manifold. The indifference with which the great powers had watched the establishment of Prussian hegemony over the Germans and soon after over the Continent confirmed the Prussians and the Prussianized Germans in their belief that power politics would pay, in terms of prestige as well as in new economic resources. The western powers never understood that the Second Reich under Prussian leadership was not the age-old fulfillment of the German dream for unity, as Prussian propaganda had it, but was the first instance of a “permanent revolution.” Long before Trotsky coined this phrase, the Germany ruling classes practiced its substance.

The second root of the German quest for world power was the fanatically held belief that providence had chosen the Germans to rule the world. This fortunate dispensation was due to the fact, the Germans continued to tell themselves, that they had more *Kultur* than other nations, and also to the fact that the Germans were militarily stronger than other people. The most popular German university professor of his time said in 1884 that “the civilization of mankind suffers a loss each time a German transforms himself into a Yankee.”<sup>4</sup> This was a typical expression of the mania current in Germany that the world should acknowledge the superiority of the German master race.

<sup>2</sup> Sir Frank Lascelles, British Ambassador in Berlin, in his famous portrait of William II. The dispatch is dated May 24, 1907, and was first published in *British Documents on the Origins of the War* (London, 1928), III, 438.

<sup>3</sup> Erich Brandenburg, *Deutschlands Kriegsziele* (Leipzig, 1917), p. 247.

<sup>4</sup> Heinrich von Treitschke, *Deutsche Kämpfe* (Leipzig, 1896), p. 346.

It is rather interesting that the two writers who established the racialist fallacies in the nineteenth century were not German. Count de Gobineau, a Frenchman, published in 1854 his work *On the Inequality of the Human Races* in which he sought to show why the Nordics, whatever that meant, were the master race destined to rule the others. Later on an Englishman, Houston Stewart Chamberlain, espoused the same theory. The interesting thing is that neither of the two men was very popular with his own countrymen. De Gobineau was laughed at in France, as far as his racialist theories were concerned. Chamberlain became so depressed over the fact that his countrymen did not appreciate the profundity of his thought that he migrated to Germany, became a German subject, and spent there the better part of his life. He became a close personal friend of Emperor William II. Chamberlain used to write personal letters to the Kaiser in which he not only displayed his racialist theories of the German master race, but in which he also told the Kaiser time after time that he was the magnificent leader of a wonderful people. The Kaiser, in turn, thought that Chamberlain was a sound man with solid ideas.

The important point about De Gobineau and Chamberlain was this: although these popularizers of the racialist fallacies were not German, they were hailed in Germany rather than in other countries as scientists and profound thinkers. While the French and British laughed at the "Nordic" nonsense of De Gobineau and Chamberlain, the Germans founded university chairs, "learned" journals, and pseudo-scientific societies in which racialism was fostered with love and care.

Another reason which German propaganda before the first World War used to give for imperialism and world domination was the lack of *Lebensraum* (living space) for the German people. At that time, however, it was called a "place in the sun." The argument was advanced that the Germans were a people without space, that they had too great a population. In actuality,

the German population problem existed very largely in the imagination of imperialists and militarists.

Figures relating to this question are more revealing than propaganda. The first important fact is this: whereas the percentage of German emigrants in the total European emigration had been 23.2 in the years 1851-60, it dropped steadily until it was only 1.2 in the years 1911-15. It is significant that the sharpest drop occurred in the decade of 1891-1900 and thereafter. This was at the time when Germany acquired an overseas empire. The drop in German emigration occurred despite an enormous increase of the German population (from 49.8 millions in 1870 to 64.5 millions in 1910). This paradox was possible for two reasons: the industrialization of Germany provided new economic opportunities for the expanding population at higher living standards than ever before. Furthermore, the relative liberalization of German politics after the dismissal of Bismarck in 1890 removed one important reason that had driven Germans into free countries abroad, especially to the United States. A good deal of the German emigration from 1848 to 1890 was political in character. Millions of Germans went to the United States because they knew that they would find there what was denied them in the fatherland—freedom. At the turn of the century there was practically no problem of German emigration; comparative figures can easily show this. The average number of emigrants per 100,000 of the home population was 1,007 for Italy in the years 1901-10, 653 for Britain, and only 45 for Germany. This was at a time when emigration was free everywhere. In 1913 these figures stood at 1,630 per 100,000 for Italy, 858 for Britain, and only 40 for Germany. Even the arguments that the other emigrants could go to their own colonies did not hold good. Practically all of the Italian emigrants went to North and South America, and one third to one half of the British emigrants went to the United States.

When it embarked upon a career of colonial and naval ex-

pansion in the eighteen eighties, Germany had no surplus population, actually it was short of man power. It continually received immigrants whose number vastly exceeded the number of emigrants at the very time when it claimed the need of additional space for a "surplus" population. In fact, Germany has been the most important immigration country in Europe after 1870. It retained this status in the twentieth century, both before and after 1933, with the exception of the early nineteen twenties, when France received, for a few years, more immigrants than Germany. The labor shortage in the Second Reich was so acute that between 600,000 and 800,000 seasonal workers migrated to Germany from Russia alone in the four years preceding the first World War. Likewise, the migration of seasonal workers from Austria and Italy into Germany reached the hundreds of thousands.

The quest of Germany for world domination inevitably forged a world coalition of more than two dozen nations which did not relish the prospect of being ruled by German officers. As long as Germany was strong, from 1870 to 1918, her rulers displayed the arrogance and cynicism which are typical of feudal ruling classes that have never felt the curb of popular liberties. As late as 1918 these ruling classes proved to the world that as long as they thought Germany was going to win, victory would spell slavery for the world. Only nine months before the defeat of the German armies in 1918, Gustav Stresemann—after the defeat the apostle of international justice and good will among men—enunciated the following doctrine of international relations in a Reichstag address on the topic "Poland and Peace": "In the history of nations and states, too, the principle of justice operates, if you consider the course of history through many centuries. A large people like the Poles does not perish without its own fault."<sup>5</sup> It is strange indeed that the forcible annihilation of the Polish state by Prussia, Russia, and Austria in the eight-

<sup>5</sup> Gustav Stresemann, *Reden und Schriften* (Dresden, 1926), I, 168.

eenth century demonstrated to Stresemann in 1918, when the German army still seemed invincible, the operation of the principle of historical justice; whereas German reparations, loss of colonies, and the like, later converted Stresemann to international justice and equality. But a late conversion is always better than no conversion at all. In this particular case it took place after Germany had lost the war and when there was no German army that counted. It would have been so much more promising for Germany and the world at large if men like Stresemann had discovered their faith in international law and morality before, rather than after, German militarism was temporarily put out of action.

But the final proof, if proof were necessary, of the aims of German peace came in the two treaties that Germany imposed upon Russia and Rumania in March, 1918. They were the only two treaties that Germany concluded as a victorious power in the first World War. A knowledge of these treaties is essential for an understanding of the methods and objectives of contemporary German foreign policy and the New Order.

In his "Fourteen Point" speech of January 8, 1918, President Wilson warned the German rulers not to impose too cruel a treaty on vanquished Russia. The war was by no means over, the President said, and Germany might be judged in the final hour of defeat by her conduct in the hour of temporary triumph. Wilson's warning, addressed to the "other Germany" as well as to Germany's rulers, was received with ridicule and cynical contempt. In the Treaty of Brest-Litovsk (March 3, 1918) between Germany and Russia the latter lost 34 per cent of her population, 32 per cent of her agricultural lands, 54 per cent of her industries, and 89 per cent of her coal mines. In addition, Russia assumed reparations amounting to one and a half billion dollars. The Treaty with Rumania of May 7, 1918, was even more remarkable. It wiped out the existence of Rumania as an independent nation. The cynicism which the German government then dis-

played in a period of temporary triumph was only surpassed by its pleas for justice in the period of military defeat.

### *The Nazi World Revolution*

The foreign policies of Germany under the Nazi regime cannot be understood unless they are related to the general character of Nazism and its internal policies. We have shown in the first chapter that the Nazi theory of government determines policies at home as well as abroad. Politics as the enemy-friend relation is an irreducible category. The enemy is the stranger, individual or nation, with whom no compromise is possible. Every other individual, group, or nation is potentially an "existential" enemy because of the mere fact of difference and strangeness. The totality of existential enmity finds its expression in the totality of conflict. Only the annihilation of one side can end the conflict. Total war and total annihilation are the inevitable implications of total enmity. In this theory of politics there is obviously no room for the concept of community, national or international. We have seen how the concept of community is replaced internally by competing power groups which are always in a state of emergency because of continuous warfare, potential or actual. The constitution of Nazi Germany as permanent martial law is an expression of politics as permanent warfare.

Similarly, a perpetual state of emergency prevails among nations. We have seen that Nazi political, economic, and cultural organizations and practices are all designed to prepare the nation permanently for war. According to the Nazi view of international life, the willingness to wage war for the existential preservation of the nation makes up the essence of international relations. Without this willingness and preparation for war there would be no international politics. Just as in the internal affairs of Germany outright violence in times of so-called peace is supplemented by the Gestapo, espionage, and propaganda, so the

normal conduct of the Nazi government toward other nations is a mixture of threat of force, fifth-columnism, and propaganda. Actual war is merely a situation in which these elements of waging war against foreign nations are supplemented by the actual, rather than the threatened, use of tanks, planes, and guns. "With us," Dr. Goebbels says, "politics is as soldierly as the waging of war is political. Both pursue the same aims."<sup>6</sup> Dr. Goebbels himself expresses his bewilderment that the failure to understand the nature of Nazi politics "is one of the most puzzling characteristics of the forces which have opposed Nazism from its evolution from a small group of men to a great world power." Similarly, a German paper, in commemorating the ninth anniversary of the appointment of Hitler as Chancellor, wrote on January 30, 1941, that France and Poland have learned the lesson that from the beginning the Nazi regime mobilized all the power of the German people. "The mobilization of the German people which began in that year [1933] was so total that war was merely one form—though its highest—in which it became manifest."<sup>7</sup> The same writer also admits that the experiences which the Nazi party and regime gained in the struggle with the internal enemies served as a valuable guide in the conflict with the nations with which Germany is now at war. Thus from the point of view of the Nazis themselves, the installation of the Nazi regime was merely the first stage in a campaign for world domination. The experiences in the destruction of internal enemies were used later, and often with equal success, in the struggle against foreign enemies. The objective was the same in both cases: the total annihilation of the enemy.

For years the Nazis had posed before the conservatives in the great western democracies, including the United States, as a conservative force which saved world order against the disintegration of mob democracy and Bolshevism. But Nazism

<sup>6</sup> *Das Reich*, May 11, 1941.

<sup>7</sup> Willy Beer, "Ins neunte Jahr," *Deutsche Allgemeine Zeitung*, January 30, 1941.

dropped this mask of conservatism and admitted its true character when it thought that such an admission could no longer be politically harmful. After the defeat of France in 1940, when not only Germany but most other nations were sure that England's turn was next, and soon, the German leaders began to emphasize that Nazism was a world revolution and not just an internal German affair. For years the Nazi leaders had posed as the international guardians of law and order. But when France lay prostrate, and ultimate victory and control of the world seemed imminent, Nazi spokesmen began to explain to the world, as they had done for years in Germany itself, that Nazism was a world revolution seeking to bring about a new world order. The Leader, Goebbels, Rosenberg, and Dr. Dietrich, the Reich Press Chief, continually stressed this idea in the summer and fall of 1940.<sup>8</sup> In his speech of December 10, 1940, the Leader bluntly emphasized the nature of Nazism as a new and different world from the existing world order, and that this is "a war of two opposing worlds," and that "one of the two must succumb."

It is of interest that two generations ago foreign conservatives and liberals anticipated the mistakes of their successors in the nineteen thirties. Sixty and seventy years ago western observers of German politics as well as responsible western statesmen took the conservative professions of the Prussian ruling classes at their face value. At that time there was one outstanding political leader and publicist in Germany who thought otherwise. Two generations before Hermann Rauschning popularized the slogan that Nazism was but a "revolution of nihilism," Friedrich Engels, a socialist, showed that Prussianism was nothing but a permanent revolution which knew no law but its own force. This is his statement: "Eighteen sixty-six was a complete

<sup>8</sup> For illustrations see *Frankfurter Zeitung*, September 20, 1940 (in an article on "The Continent as a Unit"); *Deutsche Allgemeine Zeitung*, September 29, 1940 (in an article on "The European Revolution" by Dr Dietrich), *Frankfurter Zeitung*, May 18, 1941.

revolution. Just as Prussia became something only through the betrayal of, and war against, the German Reich (1740, 1756, 1785), she has brought about the German-Prussian Empire solely by means of violent destruction of the German Confederation and by civil war. . . . She provoked civil war and revolution. After the war of 1866 [against Austria] she toppled over three thrones established by 'the grace of god' [Hanover, Nassau, Hesse-Cassel], and annexed these territories including that of the ancient Free City of Frankfort. If that was not revolutionary, then I do not know what the word means. Not enough, she also confiscated the property of the ejected princes. . . . The German-Prussian Empire, as the completion of the North German Confederation created by force in 1866, is an entirely revolutionary accomplishment. I do not complain of that. . . . But he who operates with blood and iron, he who devours whole states, topples over thrones, and confiscates private property, should not condemn other people as revolutionaries.”<sup>9</sup>

It is important to remember this element of permanent revolution in the Prussian heritage of Nazism. Until the very outbreak of war in 1939 many people in foreign countries refused to see the revolutionary character of Nazism, or else thought that the Prussian element in Nazism would form a conservative bulwark against the “party hotheads.” A similar illusion has been fostered abroad by friends of a gentlemanly German Fascism without the crudities of Himmler and Streicher. This illusion is very largely based on the mistaken assumption that Prussian militarism is less revolutionary than Nazism because *Junkers* and militarists have better manners and went to better schools than those that Nazi leaders attended. The *Frankfurter Zeitung*, a relatively “moderate” paper even under the Nazi regime, says quite appropriately that “the true law of revolution” underlies the methods of the Leader as much as it did those of Bismarck.

<sup>9</sup> Letter of Friedrich Engels to August Bebel, dated November 18, 1884, in Karl Marx, Friedrich Engels, *Ausgewählte Briefe* (Zurich, 1934), p. 346.

The latter "relied on the law of 'blood and iron,' established the military power of Prussia, took over leadership, and forced unity on Germany. Adolf Hitler has followed the same law." The difference is merely that this time it is not the organization of Germany, but "the complete reconstruction of Europe" which is the objective.<sup>10</sup>

As in the period between 1870 and 1914, another source of the Nazi drive for world power is the belief in the superiority of the German people over the other nations. In Chapter XI of *Mein Kampf*, entitled "Nation and Race," the Leader develops his ideas about the superiority of the "Aryans" over all other groups; among the Aryans it is, of course, the Germans who are on top. In a generous gesture the Leader does not claim that the Aryans are the *sole* creators of *Kultur*, art, science, and industrial techniques. He is satisfied with the statement that *Kultur* is "almost exclusively the creative product of the Aryan."<sup>11</sup> In 1926, the Italians were not honorary Nordics, and the Japanese were not honorary Aryans. As a consequence, the Leader has few flattering things to say about either. The Italians are not mentioned as far as the creation of *Kultur* is concerned. At best, Italy could be a "culture-bearing" rather than a "culture-creating" people. In 1926, the Leader did not accord to the Italians the privilege of being classified as honorary Nordics. What about Japan? "It is not the case," the Leader said in 1926, "as some people claim, that Japan adds European techniques to her culture, but European science and techniques are trimmed with Japanese characteristics."<sup>12</sup> After having spent so much time and study on history, ethnology, and comparative anthropology, the Leader found in 1926 that all that Japan could contribute to *Kultur* imported from the Nordics was a little home-grown trimming, and nothing else.

<sup>10</sup> *Frankfurter Zeitung*, May 18, 1941.

<sup>11</sup> *Mein Kampf*, p. 397.

<sup>12</sup> *Ibid.*, p. 398.

One wonders at times how many Germans see the humor in the curious fact that the only allies of racialist "Nordic" Nazi Germany are the ersatz-Nordics (Italy) and ersatz-Aryans (Japan), whereas those peoples which in the jargon of the Nazis are real Nordics and Aryans, like the Norwegians, Dutch, British, and Americans, are all on the other side. The whole tenor of *Mein Kampf* is the Leader's profound worry that the purity of the Nordics and Aryans might be impaired through the influence of the lesser breeds. Yet under his leadership Germany finds herself fighting side by side with such, from the Nazi point of view, non-Nordic people as the Italians, and such non-Aryans as the Japanese. The racialist farce is completed by the fact that the Finns and Hungarians, both Mongol by racial extraction, are also fighting on Germany's side since the invasion of Russia in 1941. All that Germany now needs, in order to round out the picture of Nordic and Aryan allies, is the entry on her side of, say, the Turks, another nation of Mongol descent, and one of the Arab nations. The racialist topsy-turvy would find its true climax if a Semitic group like the Arabs would fight on the Leader's side. This nearly happened in the spring of 1941 when Iraq threatened for a time to cast its fortunes with the Axis.

The shape of things to come is indicated in *Mein Kampf*, where the Leader states the method through which human culture was born. "The first cultures originated where the Aryan, by meeting lower peoples, subdued them and made them subject to his will. They, then, were the first technical instruments in the service of a growing culture."<sup>13</sup> It is rather interesting that the Leader's conception of Aryan culture, that is, German *Kultur*, no longer sounds like a purely historical hypothesis springing out of his imagination. The conception of German culture as a product of conquest followed by the enslavement of subject peoples that are merely technical instruments of the will of the conqueror, is not only a description of the origin of

<sup>13</sup> *Ibid.*, p. 405.

Aryan-German *Kultur* in *Mein Kampf*. It is a precise analysis of the methods used by the Germans in the enslaved countries of occupied Europe. The argument of Nazi leaders, that the enslavement of the conquered nations under the "New Order" is actually a blessing for them, can also be found as early as 1926 in *Mein Kampf*: "As a conqueror he [sc. the Aryan] subjected the lower peoples and then he regulated their practical ability according to his command and his will and for his aims. But while he thus led them towards a useful, though hard activity, he not only spared lives of the subjected, but perhaps he even gave them a fate which was better than that of their former so-called 'freedom.' As long as he kept up ruthlessly the master's standpoint, he not only really remained 'master' but also the preserver and propagator of the culture."<sup>14</sup> This passage is of no interest from the point of view of historical accuracy, and it would be a waste of time to prove that the Leader is not as learned a historian and anthropologist as he apparently believes he is. But these statements are of extraordinary interest because the Leader's analyses, which apparently relate to the past, are but thinly disguised predictions of the future. The use of the conquered for the aims of the conquerors, the enslavement of the subjected to a life of "useful, though hard activity," and the "ruthless" methods of the conquerors as "masters" are not insights of historical research, but a description of the New Order, as it took shape in the Leader's mind thirteen years before he actually began to carry out his plans.

Another element in the Nazi drive for world power is the denial of equality among nations. In a sense, this denial is based on the racialist dogma which puts the Germans at the top of the human scale. But apart from this positive assertion of the superiority of the Germans over the rest of the world, there is also the negative denial of the idea of equality among men. The heritage of Greece and Rome to western mankind is essentially

<sup>14</sup> *Ibid.*, pp. 405-6.

the idea of the universality of mankind and of the equality of men as taught by Greek philosophy and realized in the Roman law. The religious contributions of Judaism and Christianity have strengthened this conception of equality because they have enriched the philosophical and juridical equality of the ancient Greeks and Romans with the conception of the common brotherhood of men united in equal service to God and fraternal love to one another. The mingling of these Greco-Roman and Jewish-Christian streams is one of the most revolutionary events in human history. In more recent times, the age of enlightenment took up these ideas with renewed enthusiasm. From these more recent revivals of equalitarian ideas in the western tradition national independence and individual freedom emerged.

Nazism rejects completely the heritage of this western tradition and all other elements of western civilization that have been created by the confluence of Greek, Roman, Hebrew, and Christian influences. The ideas of universality and equality are replaced by tribalism and inequality. We have seen how the internal political organization of Nazi Germany is built on the frank assertion that the mass of the Germans is incapable of governing itself. The "real people" (i.e., the actually living Germans) is of little consequence, and only the "true people" (i.e., the Leader and all those who obey him) is capable of wise political decisions. The rulers are admittedly a minority of the people. The Nazi party, an instrument of mass domination, is kept numerically a minority of the people. This theory holds that only a few leaders are capable of ruling the German people. It therefore implies that these few rulers will have to use propaganda and violence as instruments of maintaining themselves in power if the majority, or some oppositionist elements, should rebel against such minority rule. Totalitarian rule does not necessarily mean government which is opposed by the majority. Rather, it is government which is carried on independently of the freely registered opinions of the people.

This same conception of inequality also prevails with regard to the international scene. Dr. Robert Ley, organizational director of the Nazi party and head of the German Labor Front, made a clear statement of the Nazi attitude on this point which demonstrates the perfect coherence of Nazi internal and international policies: "The German race has higher rights than all others. We have the divine right to rule and we shall assure ourselves of that right."<sup>15</sup> A Berlin daily, representing the views of so-called moderate business circles, had this to say about the subject: "It is not true that all nations of Europe are equal. It is nonsense to maintain that all nations have equal rights. In the life of nations it is not otherwise than in the life of individuals. General equal rights of peoples and nations is the same liberal fallacy as the twaddle of general human rights."<sup>16</sup> Dr. Dietrich, Reich Press Chief and authoritative spokesman for the German government, joins this consensus of Nazi opinion by declaring the following in an official lecture on "The Spiritual Foundations of the New Europe" which he delivered before the "German Academy": "As men are not equal, so nations are not equal. . . . The French Revolution coined the phrase of 'the equality of everybody who bears the image of man.' This false assumption has caused a tragic confusion of thought."<sup>17</sup> Dr. Dietrich also suggested that the principle of selection applied in internal German politics must be extended to the problem of leadership among nations. Inequality in the internal government of Germany finds its expression in the division of the people in a small elite which rules, and the masses of the people which are ruled. This conception is extended to the international scene by making the whole German people the master race, the ruling elite people, while all the other peoples are ruled by the German master race. The main propagandist of blood and soil myths,

<sup>15</sup> The address was delivered by Ley in Lodz on December 18, 1939. See *The New York Times*, December 19, 1939.

<sup>16</sup> *Boersen-Zeitung*, December 14, 1939.

<sup>17</sup> *Deutsche Allgemeine Zeitung*, January 22, 1941.

Minister of Agriculture Darré, frankly stated in a speech to high Nazi officials in December, 1940, that "a new aristocracy of German masters will be created. This aristocracy will have slaves assigned to it, these slaves to be their property and to consist of landless, non-German nationals. Please do not interpret the word 'slaves' as a parable or as a rhetorical term; we actually have in mind a modern form of medieval slavery which we must and will introduce because we urgently need it in order to fulfill our great tasks. These slaves will by no means be denied the blessings of illiteracy; higher education will, in the future, be reserved only for the German population of Europe."<sup>18</sup>

The parallelism between the internal and international policies of Nazi Germany also finds expression in its conception of peace. We have seen before how the Nazi theory and practice of internal peace rests on violent imposition of uniformity rather than on peaceful harmonization of diversity: "What cannot be co-ordinated must be eliminated"<sup>19</sup> is the brief Nazi formula for internal peace. Nazism believes in internal peace after the opposition has been driven into exile or death, is silent, or rots in concentration camps. Just as peace in Germany means to a party leader the social and political order in which he can rule the German masses, so peace in the world means to him an organization of the world in which the German master race will maintain peace by ruling a disarmed world. The Leader has given a classic formulation of this Nazi conception of pacifism which is the avowed German domination of the world: "He who actually desires, with all his heart, the victory of the pacifistic idea in the world would have to stand up, with all available means, for the conquest of the world by the Germans. . . . Indeed, the pacifist-humane idea is perhaps quite good whenever

<sup>18</sup> This address by Darré was delivered before a group of high Nazi officials, and came into the possession of the North American Newspaper Alliance and of *Life Magazine*. It was accepted as authentic by *The New York Times*, see the issue of December 6, 1940.

<sup>19</sup> Neesse, "Die verfassungsrechtliche Gestaltung der Ein-Partei," *op. cit.*, p. 688.

the man of the highest standard has previously conquered and subjected the world to a degree that makes him the only master of this globe.”<sup>20</sup> Alfred Rosenberg is even more specific about the Nazi conception of world peace. Not the disarmament of armies and navies will bring about world peace, Rosenberg says, but “the complete annihilation of dishonest democracy.”<sup>21</sup>

### *The Four Stages of Nazi Foreign Policy*

From January 30, 1933, Germany has striven to achieve the objective for which she has been preparing since 1870—world domination. The first World War temporarily frustrated the attempt. The Weimar Republic was merely an interlude in the eyes of the defeated militarists and imperialists. The establishment of Nazism was hailed by the military, who knew that such a regime would continue the militaristic traditions of Prussia-Germany and would also utilize the lessons learned in the first World War. The totalitarian experience of the first World War is one of the main foundations of the Nazi regime. In the long-term perspective of German history, Nazism is the institutionalized German drive for world domination. In the Second Reich this drive was somewhat hampered by the existence of small, yet by no means negligible, antimilitarist and democratic forces inside Germany. Nazism represents the same drive for world domination, but purified of the pacifist and democratic elements tolerated in the period from 1870 to 1918.

We have seen before that the Nazis admitted their true objective of world domination only after the fall of France, when they thought they had won the war and were within reach of their goal. In fact, it is interesting to study the development of the officially proclaimed objectives of Nazi foreign policy. The objective of world domination was clear to the Nazi

<sup>20</sup> *Mein Kampf*, p. 394.

<sup>21</sup> Rosenberg, *op. cit.*, p. 671.

leaders all along, but the foreign policy officially proclaimed different aims from time to time. Broadly speaking, the period from 1933 to date may be divided into four major segments according to the official objectives of Nazi foreign policy. From 1933 to 1936 Germany demanded equality of rights; from 1936 to 1938, the unification of all German-speaking people; from 1938 to 1940, living space; and from 1940 to date, world domination.

When the Nazis came into power in 1933, German military strength was still incapable of challenging the armed forces of the democracies and the other prospective victims. The slogan of German policy between 1933 and 1936 was thus "equality of rights." The Versailles Treaty limited the German army to 100,000 men, and Germany was not allowed to produce or possess heavy armaments of an offensive character. Furthermore, in 1926 Germany freely pledged herself not to remilitarize the Rhineland. As long as Germany did not have a large army she did not come out with her true aims. And as long as the Rhineland was not militarized, the outbreak of any new war in the west would be accompanied by the destruction of German rather than French cities as in 1870, 1914, and 1940. Therefore, the first conditions of the resurgence of German offensive strength were the introduction of conscription and the remilitarization of the Rhineland.

The government and the government-controlled German professors of international law carried on the struggle for these two aims under the well-sounding slogan of "equality for Germany." A regime that denied to its own citizens any civil liberties, and poured contempt on the idea of "natural and inalienable rights" now appealed to the "law of nature" which governed conduct among nations, and which included equality as one of the foremost rights of nations. In 1934, a German professor of international law wrote as follows on its usefulness in the struggle for German strength: "A consideration of utility

suggests that we should retain traditional international law. . . . A state which is as weak as Germany because of its lack of armaments must desire a law of nations which puts as many obligations as possible on the other, stronger nations.”<sup>22</sup>

Many people in foreign countries, including responsible statesmen in the great democracies, were taken in by these Nazi appeals to international law. The racialist conceptions of Nazism, the denial of equality to its own citizens, the rejection of natural rights internally—all this made little impression on those who failed to see that the Nazi appeal to international law and the plea for equality were merely instrumentalities of imperialist aggression in the making.

The Leader himself makes it clear in *Mein Kampf* that the Nazi conception of nationalism is not based on a general recognition of inalienable rights of all nations, but is merely a tool of German interests. National Socialism, the Leader stresses, “must be not the attorney for other nations, but the vanguard fighter of its own. . . . Above all, however, we are not protective police for the well-known ‘poor little nations,’ but soldiers of our nation.”<sup>23</sup> Alfred Rosenberg, officially in charge of the ideology of the party, has always been influential in shaping the Nazi views on foreign policy. His views on the problem of nationalism and the rights of nations in general are the following: “We want to support nationalism . . . only in those nations whose fateful developments, we believe, will not come into conflict with the spheres of interest of the German people. . . . We observe that under the slogan of self-determination of nations all valueless elements could ask for freedom. All this does not concern us at all or only in so far as a farsighted German policy can use it for strengthening Germandom and the German people.”<sup>24</sup>

<sup>22</sup> Ernst Wolgast, “Nationalsozialismus und internationales Recht,” *Deutsches Recht*, 2 (1934), 196.

<sup>23</sup> *Mein Kampf*, p. 950.

<sup>24</sup> Rosenberg, *op. cit.*, pp. 644-45.

On March 16, 1935, and on March 7, 1936, Germany threw off the two main restrictions on her militarist designs. On the first date she reintroduced military conscription for all German males of twenty. In the proclamation announcing compulsory military service the German government made the following statement which reads rather interestingly after seven years: "The German Government renews before the German people and before the entire world the affirmation of its resolve never to go beyond that which the protection of the German honor and the freedom of the Reich demand and especially it affirms that it wishes to create no instrument of military aggression in the national German armament, but, on the contrary, to create exclusively an instrument of defense and therefore an instrument for the maintenance of peace." Space forbids the reproduction of the whole proclamation; it was filled with such words as "co-operation," "pacification of the world," and the like. Until March 16, 1935, the world could rely for the maintenance of peace on the military weakness of Germany. Peace was therefore existent. From that day onward the world had to depend for the maintenance of peace on the word of the German government that it would use its military power only for peaceful collaboration with other nations and for the exclusive defense of Germany. Peace was not feasible on this premise.

The remilitarization of the Rhineland in 1936 was also proclaimed by the German government as a step toward German equality. This was a logical sequence of the introduction of military conscription. It was a matter of strategy rather than diplomacy, as far as the German government was concerned. In 1870 and 1914 Germany had carried aggressive warfare into the heart of France. The remilitarization of the Rhineland assured Germany again that she could start an invasion of France without fear that the war would be carried first into the densely populated cities of the Rhineland. Officially, the German government declared that this step, which brought Europe closer

to war, was another German contribution to peace and that "now, more than ever, we shall strive for an understanding between European peoples, especially for one with our western neighbors." As in the case of every other violation of obligations by the Nazi government, the Leader immediately came out with grandiose suggestions for peace.

After the remilitarization of the Rhineland many people thought that German foreign policy would now quiet down. After all, the Leader himself had said in his speech of March 7, 1936, in which he announced the remilitarization of the Rhineland, that "after three years, I believe I can today regard the struggle for German equality as over." In the same speech he also emphasized: "We have no territorial demands to make in Europe."

Once equality was attained, once Germany had gained, by oratory and by appeals to natural law and equality, the right to build a war machine, the officially proclaimed foreign policy changed with the military strength of the Reich. Between 1936 and 1938 the military strength of Germany increased considerably without reaching its peak. Contrary to the Leader's own admission in 1936 that Germany had achieved equality and that it had no territorial demands, and contrary to his assertion on January 30, 1937, that "the period of surprises" was over, Germany embarked upon a new foreign policy which was a faithful reflection of the growing strength of the Reich. The slogan in the years 1936-38 was "unification of all Germans."

Many foreigners who accepted this Nazi foreign policy on the ground that the unification of all German-speaking people was a reasonable objective failed to consider the following aspects of the problem. First of all, Austria was never a part of Germany. For almost six centuries Germany had been a part of Austria, because the rulers of Austria, the Hapsburgs, were simultaneously the emperors of the Holy Roman Empire of the Teutonic Nation. Likewise, the Sudetenland had been his-

torically a part of the kingdom of Bohemia. Even when Bohemia was ruled by the Austrian emperors, the Sudetenland had always retained this position. There was no question of a "return" of Austria or the Sudeten Germans to Germany, for they had never been ruled by Germany before. Apart from this historical falsehood to which the Nazis resorted in their campaign for the conquest of Austria and the destruction of Czechoslovakia, there was another consideration which occurred to but few benevolent onlookers of this Nazi scheme. If Germany's right to unify all people who spoke German were acknowledged by other nations as a valid title of expansion, there was no reason why the United States should not embark upon a similar program of uniting all people who spoke English, or why Spain should not conquer Latin America, and France French Canada.

Despite these obvious considerations, Germany took Austria in March, 1938, with no resistance and little condemnation from the outside world. Many people in foreign nations took the view that Germany really had a title to Austria, although they simultaneously regretted the unpleasant manner in which the German government had occupied Austria by armed force. In the fall of 1938 the British and French governments officially recognized the validity of the Nazi theory of German rule over all German-speaking people, and also expressed their belief in the sincerity of the proclaimed objectives of German foreign policy at that time. In the Munich agreement of September 30, 1938, the Sudetenland and all the military installations which formed the backbone of Czech national defense were handed over to Germany at the command of Germany, Italy, Britain, and France. Russia was not admitted to the Munich Conference because the Leader was at that time still in the phase when he posed before British and French conservatives as a savior of European civilization against the revolutionary Bolsheviks. Czechoslovakia, the victim to be carved up, was excluded from the conference because the Leader wanted to do business in his

own way. After all, Gestapo victims are not first consulted by Himmler before they are destroyed.

France and Britain had lost their sense of national security to such an extent that the masses in both countries genuinely believed that this contribution to peace would be a worth-while sacrifice—especially if the sacrifice was nothing that belonged territorially to either France or Britain. The people in the great democracies, including the United States, failed to see that the Nazi demands for the unification of all German-speaking people were not the ultimate objectives of Nazi foreign policy but merely temporary aims the limited scope of which was dictated by military considerations. The German army was, at that time, still far from the attainable peak of its power.

After the occupation of the Sudetenland the third period of German foreign policy began: this was the demand for living space, or *Lebensraum*. During this period of 1938-40, the German army attained a strength considerably above that of France, and probably above that of France and England combined. The German demand for more living space was the revival of the old Prussian-German imperialism in new terms. Before 1914 German writers and diplomats called it a "place in the sun." Now it was "living space." The demand to dominate Central, Eastern and Southeastern Europe as German living space was pure imperialism.

In his speech of September 26, 1938, in Berlin, the Leader said that the demand for the Sudetenland "is the last territorial claim which I have to make in Europe." This was rather a strange statement, as the Leader had assured the world at the time of the remilitarization of the Rhineland in 1936 that "we have no territorial demands to make in Europe." In his speech of September 26, 1938, the Leader also categorically stated: "We want no Czechs." Nevertheless, as soon as the program of unifying the German-speaking people was achieved, the next objective, that of living space, was pressed with equal tenacity. Despite

all promises and pledges, some oral and others in writing, some private and others in public, Czechoslovakia was occupied and dismembered on March 15, 1939.

This was the act which finally demonstrated to the British and French people that for years they had been victims of deception, that all pledges and official objectives of the German government had the sole purpose of preparing for German domination of Europe and the world. Once this realization came over the peoples of France and Britain, war was inevitable. In Poland the Nazis tried the same technique of threats, blackmail, and fifth-columnism that had worked in Austria and Czechoslovakia. But this time the theory of the living space was no longer recognized. Poland as well as other European nations now understood that *Lebensraum* was merely the German word for death space, as far as other nations were concerned. Living space meant concentration camps, the Gestapo, the closing of schools and churches, compulsory labor service, economic exploitation, and national enslavement. The European peoples, at least in France and Britain, realized at last that *Lebensraum* had no meaning in terms of actual German needs, but could be understood only in relation to German military strength.

The cynicism with which the German government, now no longer asking for equality, but boasting of its military power, had torn to shreds all pledges and promises concerning Czechoslovakia, stirred even the professional appeasers of France and Britain who had for years accepted the official slogans of German foreign policy at their face value. By 1940 Germany had achieved its objective of the third period of her foreign policy. Central, Eastern and Southeastern Europe were either occupied by the German army and ruled by German officials, or else were under effective German control through native puppet governments. Greece and Yugoslavia, unwilling to accept Axis enslavement voluntarily, were both conquered in the spring of 1941.

The fourth and final official slogan of German foreign policy

was proclaimed after the fall of France. In the summer and autumn of 1940, German diplomats, publicists, and political leaders officially proclaimed that Nazism had been a world revolution since 1933, and that this war is a war between two worlds in which one will break asunder, as the Leader put it in his speech of December 10, 1940. After France fell, Germany was sure that the war would soon be over. The true objective of German foreign policy since 1933, world conquest, was now openly admitted. This was not done in a spirit of sudden reverence for truth. After the fall of France, German power seemed so invincible to Germany's friends and foes alike that the Nazi leaders thought it would be good policy to come out with the truth in this particular situation because it would impress some and intimidate others.

We are still in the middle of this fourth stage of Nazi foreign policy. The attack of Germany on Russia in June, 1941, and the declaration of war against the United States in December of the same year are the major developments in this German campaign for world domination. Sooner or later Germany had to make war on Russia and the United States. As long as these two mighty nations stood undefeated, all dreams of world conquest were chimerical. It would have been so much more preferable for Germany to defeat England first, and then take on Russia and the United States successively. Unfortunately for Germany's *Blitz* strategy, the Royal Air Force defeated the *Luftwaffe* in the Battle of Britain in the fall of 1940. Facing an unbeaten Britain which was growing in strength through her own effort and the help coming from the Dominions and the United States, Germany attacked Russia. She hoped to defeat her quickly and thus remove an obstacle to world domination, while simultaneously gaining control over the vast resources and man power of the Russian people for the final struggle with Britain and the United States. The failure to conquer Britain in the fall of 1940 drove Germany to the attack on Russia in the summer of 1941.

The failure to conquer Russia in the customary *Blitz* drove Germany to attack the United States. When Germany is defeated, the objective of the fourth stage of Nazi foreign policy, world domination, will be frustrated. It can be safely predicted that after her defeat Germany will again, under any regime, revert to the official foreign policy of equality with all nations.

*Pacts, Promises, Pledges*

The nature of German foreign policy as pure political warfare can also best be seen from a brief listing of pledges and performances of the German government in the last nine years. On January 30, 1934, the Leader declared in the Reichstag as follows: "After this question [the Saar issue] the German government is willing and determined to accept in its innermost soul as well as external formulation the Pact of Locarno." In the Locarno Pact of December 1, 1925, freely concluded between Germany, France, Belgium, England, and Italy, these five powers guaranteed "jointly and severally" the western frontiers as created by the peace treaties of 1919, and also the demilitarized zone of the Rhineland. On March 7, 1936, German troops occupied the demilitarized zone. Until that time the recurrent argument of Nazi propaganda in Germany and abroad had been that Germany could not observe the obligations assumed by her at Versailles because they were imposed by the victors. The violation of the Locarno Pact was important because it demonstrated that Nazi Germany made little distinction between obligations assumed under alleged compulsion and those freely entered into.

Concerning Austria the Leader had made both specific and general pledges. In his speech of March 7, 1936, he said as follows: "After three years, I believe I can today regard the struggle for German equality as over. . . . We have no territorial demands to make in Europe." In addition to these general pledges, the Leader also addressed the following specific pledges to Austria:

“Germany neither intends nor wishes to interfere in the internal affairs of Austria” (Reichstag speech, May 21, 1935). The German-Austrian agreement of July 11, 1936, stated that “Germany unconditionally recognizes the political independence of Austria.” On March 11, 1938, German troops crossed the border and occupied the country.

In his speech of March 7, 1936, the Leader specifically mentioned Czechoslovakia as one of the states that Germany had “no desire to attack.” On March 11, 1938, Marshal Goering assured the Czech Minister in Berlin that the occupation of Austria by Germany would in no way impair German-Czech relations. On the same day Baron von Neurath also assured the Czech Minister in Berlin that Germany considered herself bound by the German-Czechoslovakian Arbitration Convention of 1925, in which both countries had pledged themselves to submit all their disputes to peaceful settlement. One week after the *Anschluss* of Austria, the Leader made the following declaration: “The eternal dream of the German people has been fulfilled. . . . Germany wants only peace. She does not want to add to the sorrows of other nations.” Despite these promises, repeatedly made over a number of years, Germany obtained the Sudetenland from Czechoslovakia by threat of force. A few days before he took the Sudetenland, the Leader said in his speech of September 26, 1938, in Berlin, that the demand for the Sudetenland “is the last territorial claim which I have to make in Europe.” He also explicitly added: “We want no Czechs.” On March 15, 1939, Czechoslovakia was occupied by German troops and dismembered. Germany thereby violated her arbitration convention with Czechoslovakia of 1925, her pledge under the Briand-Kellogg pact of 1928, her promises under the Munich agreement of September 30, 1938, her repeated promises to Czechoslovakia to respect her integrity, and, finally, the general duty of states, under the rules of international law, to respect the integrity of other states.

The pledges given to Poland had the same fate. On January 26, 1934, Germany signed an agreement with Poland which provided for peace between the two countries for the next ten years. In particular, the status of Danzig and the Corridor was to remain the same during that period. On February 20, 1938, the Leader stated in a Reichstag address that this agreement "had taken the poison out of the relations between Germany and Poland." In his Sportpalast speech of September 26, 1938, the Leader stressed again the importance of the agreement of 1934 which "removed the danger of a conflict. . . . We are all convinced that this agreement will bring with it a permanent pacification. We realize that here are two peoples which must live side by side and that neither of them can destroy the other." In his Reichstag speech of January 30, 1939, the Leader again emphasized that "there can scarcely be any difference of opinion today among the true friends of peace with regard to the value of this agreement." On April 28, 1939, the Leader unilaterally denounced the German-Polish agreement of 1934 which was to last until 1944. On September 1, 1939, Poland was invaded by the German army.

It would be too repetitious if we were to list all the other violations of pledges committed by the German government from 1933 to date. Every single country that Germany invaded either had nonaggression pacts with Germany, or else had been assured by Germany of her peaceful intentions. Denmark, Norway, Luxemburg, Holland, Belgium, Rumania, Yugoslavia, Greece, Russia, the United States, Mexico, and Brazil—all had received repeated assurances from Germany that she would never attack them. Germany also concluded friendship and non-aggression pacts with some of these prospective objects of attack. But it made no difference as far as the ultimate aggression was concerned. The sole purpose of treaties and assurances was to undermine the vigilance and defensive strength of these nations. Time after time the same method was applied with monotonous

uniformity: when Austria was taken, Czechoslovakia was assured that Germany would respect her integrity; when Czechoslovakia was seized, Poland was assured of the same desire on the part of Germany; when Poland was conquered, Russia was assured that Germany had only peaceful intentions toward her. After the fall of France, the same type of propaganda was directed toward the United States. This Nazi game became so unimaginative that whenever the Leader gave special assurances of friendship to a particular country, the world knew that Germany had marked the next victim of aggression.

### *Pattern of Conquest*

The parallel between the Nazi internal order and Nazi domination of other nations can be demonstrated not only generally with regard to the nature of peace. We have pointed out in the chapter on law and justice that the common conception of the German population which divides the people in only two classes, Nazis and anti-Nazis, does not fit the facts of German political and legal practices. We saw how the different "levels of legal inequality" divided the German population into a number of groups. Likewise, the political organization of the German New Order in Europe has shown, thus far at least, that the same assortment of levels of domination and inequality exists within the common area of subjection to the master race.

As yet Nazi Germany has not had a chance to rule Negro populations, but the Leader's reference to Negroes as "half-apes" indicates how a Nazi government would conduct itself as a trustee of Negro welfare. The Leader believes that "it is a criminal absurdity to train a born half-ape until one believes a lawyer has been made of him."<sup>25</sup> A Nazi writer on the colonial problem frankly states that the best intellectual and moral equipment with which Nazi Germany approaches the problem of colonies

<sup>25</sup> *Mein Kampf*, p. 640.

and native populations is "racialism with its innate master attitude."<sup>26</sup> This master attitude expresses itself in "the firm hand" which the native must feel over himself, and "no misconduct must be forgiven for reasons of sympathy." Since the native is generally "childish and of good disposition," it will be easy to make a good laborer out of him.<sup>27</sup>

In the existing scheme of levels of inequality imposed upon subjected nations, the position of the Jews and anti-Nazis in Germany has been assigned to the Poles, Czechs, and Serbs. These three nations have been deprived of their political selfhood, and are systematically turned into colonial areas administered according to Nazi conceptions of colonies. The remnant of the Czechoslovak Republic was occupied by Germany on March 15, 1939, and on the following day a personal decree of the Leader gave it a new name: "Protectorate of Bohemia-Moravia." Any American who wonders how this change in name must have affected Czechs should imagine himself living in a conquered United States whose name has been changed by the Leader into "Protectorate of North America" or something similar. Furthermore, the decree establishing the Protectorate mentioned only Germans by their national classification. It stated, for instance, that persons of German origin in the Protectorate would automatically become citizens of the Reich. The Czechs were merely referred to as "the other inhabitants of Bohemia and Moravia." As in old-time colonies, persons of German descent in the Protectorate can be tried only by German courts regardless of whether the other party to the action is German or "another inhabitant" of the Protectorate. The closing of all Czech universities and colleges, the mass killings of Czech writers, artists, and intellectuals, and the introduction of compulsory labor for the Czechs show that the German administration is not, as many have thought

<sup>26</sup> Dr. Ernst Nowack, "Eingeborene kostbarstes Gut der Kolonien," *Deutsche Allgemeine Zeitung*, December 18, 1940.

<sup>27</sup> *Ibid.*

and as is expressed in the name "protectorate," the establishment of colonial government in the heart of Europe. This is not a process of colonizing, but of "decivilizing" one of the politically most progressive peoples of the world. This type of government is not one of exploitation; it is the destruction of a nation which in one Masaryk has given more to the world than all the "good" German leaders put together have ever contributed to the field of politics.

Parts of Poland were incorporated into Germany, and the remainder was afflicted with another dishonoring name—"Government General." The Nazis try to give the impression that they have created in the Government General a colony in Eastern Europe, or that they treat the Poles like colonial natives. The *Frankfurter Zeitung* (November 8, 1940) says that in the Government General "the fate of ten million Poles rests in the hands of a few hundred German officials," and compares the position of these few Germans with that of colonial administrators in colonial areas. If this colonial status were true, it would be unique. So far, no people but the Germans have converted advanced European nations like the Czechs and Poles and Serbs into colonies. But the position of the Poles, whose martyrdom by far surpasses that of any other nation under the New Order, is not that of colonial natives but that of Jews or anti-Nazis in Germany. No nation has ever treated its colonial populations, not even Germany herself in the period of the Second Reich, as the Poles and Czechs and Serbs are dealt with by the Nazis in the New Order. It is obvious that colonial methods of domination are inapplicable to advanced European nations. Therefore the only alternatives which can be actually employed are freedom or extermination. The Nazis have planned to apply the latter method because the former is incompatible with their own methods and objectives. The German-reported transformation of a Polish seminary for the training of priests into a German

police school <sup>28</sup> is the symbol of the decivilization, and not of colonization, that is going on incessantly in Poland. Needless to say, the universities, colleges, and even secondary schools have been closed in Poland in pursuance of this policy. The aim is to turn the Polish nation into a chaotic mass of helots incapable of national consciousness and collective resistance. Compulsory labor service for Germany completes, on the economic side, the enslavement into which the Czechs, Poles, and Serbs are forced. The Serbs have experienced the same fate as the Czechs and Poles partly, because they, too, belong to what the Nazis like to call the inferior Slavs, and also because the Serbs have been able to maintain fighting forces in their mountains from which they continually harass the occupation forces of the Axis powers. That in itself makes them appear "bestial" and "inhuman" in the eyes of the Nazis.

While the position of the Poles, Czechs, and Serbs in the New Order corresponds to that of the Jews and anti-Nazis in Germany, the fate of the conquered nations in Northern and Western Europe corresponds to that of the classes and groups in Germany which are allowed to exist provided they submit completely to the Nazi regime. For two reasons Denmark has experienced the least amount of repression and enslavement. First, Denmark is small, weak, and, because of its geographical propinquity, permanently at the mercy of a strong Germany. Second, the Danes offered no resistance to the German invasion. By assigning to the Danes a relatively more favorable status in the new slave order, the Nazis invite other nations to imitate Denmark and thus be spared complete annihilation and enslavement.

But even Denmark has its concentration camp, nominally under the control of the Danish police, actually run by the Gestapo. Over six hundred political victims were detained there in the first part of 1942, including, among others, well-known

<sup>28</sup> *Deutsche Allgemeine Zeitung*, October 24, 1940

writers who had been pronounced anti-Nazis long before the invasion. Martin Anderson Nexoe, the greatest contemporary Danish writer, and a popular author in Germany before 1933, is an inmate of the concentration camp because he was anti-Nazi even before 1933. Unlike Knut Hamsun, who came out in support of the Nazis, Martin Anderson Nexoe never ceased in his struggle against Fascism at home and in Germany. The economic exploitation of Denmark for the German war economy rounds off the picture of the country which has so far received relatively the most favorable treatment in the New Order.

Belgium, Holland, and Norway are ruled by German officials, either exclusively as in the first two nations, or jointly with a quisling government, as in Norway. All three nations have undergone profound changes in their national institutions, politically, economically, and culturally. Before the invasion of Norway, Quisling had been able to poll less than 3 per cent of the votes of the Norwegian electorate. Nevertheless, the Germans made him Prime Minister, and established a Quislingist government on February 1, 1942. However, this government is subject to the supreme authority of Reich Commissioner Terboven, who administers Norway in behalf of Germany. Holland has its quisling in Mussert, head of the Dutch Nazi party, and Belgium has its quisling in Degrelle, head of the Rexists, the local Fascist party. But the Nazi government prefers to rule Holland and Belgium both nominally and actually through German officials without the screen of local traitors. The Norwegian quisling, who gave his name to the new race of traitors, received his appointment only in 1942. It is possible that some Dutch or Belgian quisling may be put up as "Prime Minister" at any time when the Nazi masters prefer to see them in such a position rather than in their present tasks of betraying their peoples through espionage and fifth-columnism in behalf of Germany.

In Holland the Nazis have probably gone farther than in any other western nation. In 1942 the Nazis founded an "East

Company," whose purpose is the transplantation of three million Dutchmen from Holland to Eastern Europe (Poland, Russia, and the Baltic territories). This is exactly one third of the Netherlands population. The Nazi government believes that its control of the Atlantic shores will not be safe in the long run unless Germans inhabit and defend them. Therefore the mass expulsion of Dutchmen from their native land is the beginning of a policy which may later be extended to Belgium and northern France. As a beginning of this program several thousand Dutch settlers had been transported to these Eastern European regions by the middle of 1942. The Jewish inhabitants of Holland, about 120,000, have been deported to Eastern Europe at a rate of 600 per day since July 23, 1942. Each deportee is allowed to take along thirty-three pounds of luggage, but no money. The Jews are then sent to the Polish ghettos, dumped into them, and left to inevitable starvation and death.

The only political organizations which are allowed in Belgium, Holland, and Norway are the local Nazi and Fascist organizations. Before the invasions of their countries these native Fascists and Nazis were never tired of pointing out that they were 125 per cent patriots, and that their country's only enemy was Bolshevism and the Jews. After the Germans took over, each of these superpatriotic organizations revealed itself to be an instrument of German diplomacy and an advance column of German invasion. Quisling, Mussert, and Degrelle have shown to the outside world, if proof were necessary, that the Fascist and Nazi groups in the different countries were traitors to their nations all along. German invasions did not make traitors out of these native Fascists and Nazis, but merely gave them the long-awaited opportunity to practice their treasonable schemes.

Among the conquered western nations France is the only one in which quislings could be found who were not in the "lunatic fringe" of national politics, but belonged to the core of the political classes. Two thirds of France is ruled directly

by German officials and the Gestapo. It is this two thirds that produces the industrial and practically all of the agricultural wealth of France. But even the third which is called "Unoccupied France" is ruled by Germany behind the screen of the French enemies of democracy. Marshal Pétain, openly opposed to democracy on principle, belongs to a generation of Frenchmen which does not deliberately identify nationalism and treachery, as the latter-day nationalists have done, but even he prefers a Nazified totalitarian France to a libertarian democratic France. The disintegration of French democracy before the defeat can be seen from the fact that France was the only country which, having fought, accepted defeat as final instead of continuing the struggle from overseas. Actually the governments of those conquered nations which control colonies, shipping, or other resources outside their captive national territories have been able to aid the allied war effort very substantially. The contributions of Norwegian shipping, of the Dutch East and West Indies, and of the Belgian Congo are far more than moral gestures in the struggle for freedom which the United Nations are carrying on. The French government was the only one which accepted defeat as final, and was willing to put all the resources of France, including those of its colonies, at the disposal of the Nazi war machine. If the French government had carried on the war from North Africa and from other parts of the far-flung French empire, the course of the war might have developed quite differently. The position of the United Nations in the Near and Middle East, vital areas in global war, would have been immeasurably strengthened by continued French fighting. Finally, the failure of the French navy to carry on the struggle has greatly accentuated the main problem of the United Nations—shipping. Even now, two and a half years after the fall of France, the United Nations are still suffering from the decision of the French government to cease the struggle against Nazi aggression. It was not so much the defeat of the French armies in France that

caused these profound dislocations for the United Nations as the political decision of the French government to surrender completely and appeal to the Leader's "honor as a soldier," as the aged Marshal put it.

The French have had time to learn that if a nation is unwilling to sacrifice wealth for freedom, it inevitably ends up by losing both its freedom and its wealth. After two years of Franco-Nazi "collaboration," one million and a half French prisoners of war are still laboring for their masters in German prison camps. The occupation costs imposed by the German government on the French people are a greater burden to the French than the cost of warfare when France was a belligerent. The immensity of the exploitation can be seen from the fact that in the course of six months Germany obtains from France as much reparations and payments as France ever obtained from Germany after 1918. The effect on French life of the retention of the French prisoners of war in Germany can be best understood if we imagine a situation in which over five million American soldiers were kept in Axis prison camps for years. The retention of French prisoners adversely affects the French birth rate. Millions of French women of marriageable age are unable to marry and have children. Moreover, French industry and agriculture are seriously handicapped by the lack of the hands which are strongest and most capable of doing hard work. The Nazi depopulation of France is only one means of weakening France for generations, perhaps forever. Another instrument of national emasculation is the division of France into the two zones of Occupied and Unoccupied France. The aim of the Nazis is to divide the French people into two sections living under different conditions and developing different psychological attitudes toward Germany and the United Nations. In this latter objective, the Nazis have, on the whole, failed. In France, both occupied and unoccupied, the only political groups allowed by the German authorities, or by their Lavals in Unoccupied France, are

the native Nazi and Fascist groups under Doriot, Déat, and other collaborationists.

It is rather interesting, in the light of similar problems in the other great democracies that have escaped the fate of France, that the French leaders of these native Fascist and pro-Nazi groups were all, before the outbreak of war, isolationist, anti-Bolshevist, anti-British, anti-American, and anti-Jewish. Only after the defeat of France did it become clear that these slogans screened the only real purpose of these organizations: the destruction of French democracy and the handing over of a defeated France to the mercies of the Axis. "Free France" (or "Fighting France" since July 14, 1942) is the only France which, under the leadership of a great soldier and patriot, is continuing the struggle of the free French against the Axis in France, in Africa, in the Pacific, in Britain, and on the high seas. It is historically of lasting interest that the French overseas possession which first declared its allegiance to the Free French under General de Gaulle was the Chad colony in French Equitorial Africa. The governor of that colony who made this declaration was a Negro. A colonial Negro was thus the first Frenchman who saved the honor of France and her traditions of liberty and self-government.

There are several reasons why the conquered western and northern nations are subjected and enslaved rather than exterminated like the conquered Slavs in Eastern Europe. The Nazis have shown particular anger and indignation against the Slavs because they have not thrown up any native quislingist movements. On the other hand, the "more civilized" nations in Western and Northern Europe have native Nazi movements which can be used by the Nazis for two purposes: for undermining national unity as well as for administrative tasks. The colonial technique of "indirect rule," i.e., rule through native dependent chiefs, can be applied only if a native quislingist movement is available, although it may be small in membership. Another rea-

son for the comparatively milder treatment of western and northern nations is that Belgium, Holland, France, and Norway are all uncomfortably close to England. Although the German prohibitions concerning listening to foreign broadcasts naturally also apply to the subject populations in Western Europe, the distance to England is only fifty, one hundred, or two hundred miles. Many people listen in to these *verboten* stations, and are therefore well informed about events abroad. The Nazis believed for some time that only after England's defeat could the problem of Western and Northern Europe be definitely settled. More recently, the danger of an invasion by British and American armies has reversed the Nazi policy of "polite correctness" and changed it to one of open cruelty not unlike that applied to Eastern Europe. Finally, another reason for the relatively milder treatment of the western and northern nations is the fact that France, Belgium, and Holland are highly industrialized. If the economies of these nations are to be utilized at all for the German war machine, some degree of collaboration is essential. The more agricultural populations in the east of Europe can be controlled, the Nazis think, without the pretense of good will.

More and more, however, the erstwhile difference between the treatment accorded to the conquered nations in the east and in the west and north have been wiped out. When the Nazis realized in 1941 that the subjected populations in Western and Northern Europe no longer regarded German victory as inevitable, when the spirit of resistance began to spread everywhere, the mask of "polite correctness" was dropped, and a regime of terror established. The mass shootings of hostages in France, Belgium, Holland, and Norway, the obliteration of whole villages in Norway, the mass arrests of former Dutch and Norwegian officers, the closing of educational institutions in the conquered nations, the struggle against the churches, both Protestant and Catholic, reflect a new policy toward the conquered nations in Western and Northern Europe. "Collaboration" was never more

than another word for domination and exploitation. Now that Russia and the United States are in the war, violence disguised as "polite correctness" has been dropped and open force has taken its place.

Next in the ladder of the New Order are the allies of Nazi Germany: Italy, Hungary, Bulgaria, and Rumania. These four nations correspond, inside Germany, to those classes and groups which most heartily supported the Nazi cause. This support did not save them from subjection, but it was a subjection under less humiliating conditions, at least as far as outward forms are concerned. Likewise, the foreign allies of the Nazis are rewarded by some advantages which do not affect the substance of German domination. Nevertheless, they create the impression of some independence. Since 1938, for instance, Italy has been for all practical purposes a vassal state of Germany. In that year, the Fascist government of Italy signed an agreement with the Nazi government in which both countries pledged themselves to pursue the same "cultural" policies. All authors and books forbidden in Germany are also automatically excluded from Italy. The Italian war economy has been under the direct control and supervision of German industrialists since 1938. The Italian political police has been reinforced by the Gestapo. Herr Himmler personally has made frequent trips to Italy in order to "exchange views on current problems," as the official announcement usually reads. Italian ministries are staffed with German officials who see to it that the Italian war effort is carried on in accordance with the German plans. Most Nazis are of the opinion that, so far, Italy has given to Germany all war short of aid. Nevertheless, they are intent on using Italian resources and man power to the fullest possible extent. Shortly after Italy declared war in 1940, the German army occupied Italy. All allies of Germany are in one respect equal to the conquered nations: German armed forces are stationed on their soil. The position of the Italian Fascists is in no way different from that of the other quislings

on the Continent. The Duce himself is little more than an Italian-speaking quisling, a *Gauleiter* of Nazi Germany whose main task is to keep the Italian people tied to the German war machine. If the Italian army should fail to impose order, the German army stationed in Italy will ensure the existence of the Fascist, i.e., the Nazi, regime in Italy.

The same is also true of the other Nazi allies in the Balkans—Hungary, Rumania, and Bulgaria—although the pattern is not completely uniform. Thus Bulgaria has declared war on the United States and Russia, but has not sent any fighting forces to the Russian battlefields. Bulgaria owes its independence as a nation to Russian sympathy and protection in the last quarter of the nineteenth century. So far the Bulgarian contribution to the Nazi war effort has been mainly economic, combined with Germany's use of Bulgaria as a base for further aggressions. Like Bulgaria, Rumania and Hungary are occupied by the German army. Both countries have sent hundreds of thousand of men to the Russian battlefronts. In Hungary, the Nazis have found sincere allies among the feudal gentry. For centuries, the Hungarian landowners have been the spearhead of German imperialism in Southeastern Europe. Hungary always counts on some crumbs being thrown into its lap from the table of German imperialism. Since concluding an alliance with Nazi Germany, Hungary has gained portions of Slovakia and all of Carpatho-Ruthenia from the Czechoslovakian Republic, the northern half of Transylvania from Rumania, and portions of Yugoslavia. The latter country was conquered by the Germans in April, 1941, and partitioned between Germany, Italy, and Hungary. Rumania came into the alliance with Germany too late and has therefore been on the losing side, as far as population and territory are concerned. Hungary and Rumania as well as Bulgaria have been forced to orient their national economies to the needs of the German war machine. In addition, they have also become culturally a part of the Nazi New Order.

In all these countries citizens of German descent have a specially privileged position as *Volksdeutsche* (persons of German origin, but non-German in citizenship). Their position corresponds roughly to that of whites in colonies inhabited by native populations. Most of them have lived for centuries in these Balkan countries, but Nazi Germany still considers them German. In fact, any person of German descent is claimed by Germany, regardless of "passport nationality," as the Nazis put it.

In Poland, for instance, a list of *Volksdeutsche* compiled by the German authorities contained all persons of German descent regardless of whether they considered themselves German or not. The first category included the *Aktivisten*, those Polish citizens of German descent who were not only conscious of their German origin but were also actively engaged in Nazi activities against the existence of the Polish Republic before its conquest by Germany. The next category includes those persons who speak German as their mother tongue, or are at least familiar with German, but who have engaged in no political activities. The third category includes the *Abgeglittenen*, those persons of German descent who have "slipped" from their loyalty to the "German race," without, however, engaging in active anti-German activities or organizations. The fourth category lists the *Renegaten*, those persons of German descent who were loyal citizens of Poland, identified themselves with Polish civilization, and defended its institutions. Such persons, as well as those in the third category, are sent into the interior of Germany, where they will do useful work in an environment which will re-Germanize them.<sup>29</sup>

Switzerland, Sweden, and Portugal are the only three countries on the Continent which have not been subjected to the New Order. Their national institutions still stand. Naturally, the conditions of war and the proximity of the German army have meant that much of the customary freedom of opinion and

<sup>29</sup> For a more detailed account see "Die Volksliste," *Das Reich*, March 30, 1941.

of the press has been curbed in Sweden and Switzerland so as to give no pretense to the Nazis for any aggressive action. The Nazis have tried to promote native Nazi movements in both Switzerland and Sweden, and have also appealed to the Swedes and German-speaking Swiss as Nordics and Germans, respectively. However, the experience of Switzerland and Sweden, as that of the other western and northern nations before their conquest by Germany, has shown that Nazism in these countries is an insignificant movement of deliberate traitors to their people, and finds but little following among the masses. Germany has so far been the only country in which the Nazi movement has achieved a real mass following in free competition.

No one knows the reasons why Switzerland and Sweden have not been invaded and occupied by the German army. The Germans may think that they are obtaining from these countries as much as they can. Also, both Sweden and Switzerland maintain large armies, which may have been a deterrent, although by no means a decisive one, for Germany.

The New Order is nothing but permanent martial law on an international scale. The fundamentals of Nazi politics and administration are the same in the internal regime of the Reich and in the external domination of conquered nations. Nazi foreign policy and its methods and aims of world rule cannot be understood save in relation to the character of the regime at home. It was remarkable how western statesmen and political leaders failed for years to appreciate the intimate relationship between the internal and external aspects of Nazism. Appeasement and isolationism in western nations, even when based on honest patriotism and genuine love of peace, were founded on an intellectual fallacy. That fallacy was the assumption that Nazism could assert as an ideal, and practice as a reality, violence and inequality at home, yet adhere to constitutional ideals and practices in the life of the international community.

The free nations are now paying the price for the treacher-

ous assaults against freedom which were openly perpetrated by native pro-Nazis in the last ten years. Nazism could never have enslaved so many nations if it had not operated in a world in which violence was resolute and united, whereas freedom was hesitant and disunited. Nation after nation attacked by Germany in the last ten years hoped until the last that its policy of aloofness and isolation would save it. President Wilson said this on September 8, 1919: "If Germany had dreamed that anything like the greater part of the world would combine against her, she would never have begun the war."<sup>30</sup> If this was true of the first German drive for world domination, it is no less true of the second one. The United Nations now fighting for freedom are made up of twenty-nine nations. What would have been the course of the second World War if the principal powers among the United Nations, the British Commonwealth, the United States, Russia, China, and Brazil had been united in 1939 rather than in 1942?

Aggression can succeed only if the prospective victims do not have the intelligence or strength to unite before they are destroyed individually.

Nazism is not only a cause but a symptom of the moral and intellectual crisis of our age. To the extent that democratic nations practiced irresponsibility, aloofness, and indifference to the sufferings of others they destroyed those fountain springs of democratic faith which alone could have defended peace and freedom. By abandoning the attributes of freedom—generosity, responsibility, social solidarity—many a nation lost the substance of freedom itself. By putting a fragile peace above militant freedom many a nation lost peace and freedom.

A democratic world community cannot be built by abstractions called governments, states, or nations, but by those men and women in all lands who believe in freedom above everything. If liberty is to survive and progress, it has constantly to

<sup>30</sup> Woodrow Wilson, *War and Peace* (New York, 1927), II, 47.

fight not only against Nazi and Fascist governments, but against their open and secret friends, the sympathetic neutrals, and the indifferent within the democratic societies. In the shrinking world of the twentieth century the only durable alternative to total war and global enslavement is total peace and global freedom.

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